LOK SABHA DEBATES

(Part I – Questions and Answers)

VOLUME IV, 1954

(23rd Aug. – 24th Sept. 1954)

SEVENTH SESSION

1954

LOK SABHA SECRETARIAT

NEW DELHI

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LOK SABHA

Monday, 13th September, 1954.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

SOAP INDUSTRY

***819. Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the percentage of demand in respect of soap met by cottage industry and factories respectively;

(b) the steps that Government propose to take for developing the soap industry; and

(c) whether any financial aid has been given by Government to this industry during the last three years?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No precise estimate of relative percentages is possible. Organised Industry produces between 83,000 to 87,000 tons annually. A rough estimate of production on a cottage industry basis can be placed at 30,000 tons.

(b) and (c). The mechanised units in the soap industry are well-organised and the question of financial aid to them has not so far been raised. The smaller units were given financial assistance by way of subsidy and loans through the All-India Khadi and Village Industries Board, as follows:—

	Subsidy	Loans
	Rs.	Rs.
1953-54	97,000	1,65,000
1954-55 (April-upto 31st August 54)	19,550	37,750

Shri D. C. Sharma: Of the factories that are manufacturing soap in this country, how many are foreign and how many are indigenous?

Shri T. T. Krishnamachari: I have not got a list of the indigenous factories. The foreign-owned factories are three, or rather, in three, there is a certain amount of foreign capital.

Shri D. C. Sharma: May I know whether Government have any knowledge of the *per capita* consumption of soap in this country, and how it compares with that in other countries?

Shri T. T. Krishnamachari: The question of working out the *per capita* consumption is merely a matter of arithmetic, because if the production by the organised units is about 87,000 tons, and the cottage industry produces about 30,000 tons in comes to 1,07,000 tons. Certainly in comparison with other countries of the world, with a few exceptions, India is very far below than any other civilized country, in the consumption of soap.

Shri A. M. Thomas: May I enquire whether Government are aware of the low quality of the detergents, washing soaps and toilet soaps produced by the cottage industries, and if so, whether when giving aid or subsidy, Government have thought of any steps to improve the quality or to have the quality assured?

Shri T. T. Krishnamachari: That seems to be the aim of the All India Khadi and Village Industries Board, not merely to help these small units in utilising non-edible oils for making soap, but also to improve the quality all the time.

Shrimati Ila Palchoudhury: How much soap must be produced by these

small cottage industry units, to enable them to get their chemicals at wholesale rates?

Shri T. T. Krishnamachari: It is a problem which has never been looked at from the angle the hon. lady Member suggests, and I am unable to answer the question one way or the other.

ENGINEERING PERSONNEL

*821. **Sardar Hukam Singh:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether Government have asked all the States to prepare a list of all the engineering personnel in each State; and

(b) the steps that are proposed to be taken to increase the technical engineering personnel?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) The Government of India have set up a Committee to report on the requirements of technical personnel of various categories needed for the efficient and expeditious completion of river valley projects now under execution and to be executed during the next 15 years. The Committee has been asked to submit its report by the 31st December, 1954.

A scheme has been introduced to impart training to 30 fresh engineering graduates and 15 serving engineering officers from the States at the major river valley projects.

Sardar Hukam Singh: May I know whether the Planning Commission have assessed at any time up to this day, the shortage that we are suffering from in the technical requirements of our country?

Shri Hathi: There is a register of engineers, but looking to the developments and the projects that we are having, it has been found necessary to have a fresh assessment of the question.

The Minister of Planning and Irrigation and Power (Shri Nanda): I may supplement that and say that a working group or a study group in the Planning Commission is already engaged in the collection of data about shortages of personnel in the various Ministries, and in connection with various industries.

Sardar Hukam Singh: What is the total number of non-Indian technical personnel just at present employed in our river valley projects?

Shri Hathi: It is to the tune of about 64.

Kumari Annie Mascarene: May I know whether it is a fact that among the personnel now employed in the river valley projects, ninety per cent. are from Punjab only?

Shri Hathi: No, that is not a fact.

Sardar A. S. Saigal: Not from Travancore-Cochin.

Shri Gidwani: It was stated by the hon. Minister that there is dearth of qualified men. Is it contemplated that the work is being carried on by people who are not qualified, and therefore, it has resulted in such a huge loss in various projects?

Shri Hathi: No, that is not so. It is not that the work is being carried on by people who are not experienced. But as the work proceeds we want more trained men.

INDIAN HIGH COMMISSIONER IN AUSTRALIA

*822. **Shri S. N. Das:** Will the **Prime Minister** be pleased to state:

(a) whether the attention of Government has been drawn to the criticism of a statement made by the Indian High Commissioner in Australia at Brisbane on the 21st June, 1954;

(b) whether the text of his statement will be laid on the Table of the House; and

(c) if so, what are the points, which have been made the subject of criticism?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes.

(b) No full report of his statement is available. The High Commissioner has, however, sent us a summary of what he said. This dealt with a large number of matters chiefly about the farms and factories in Australia which had impressed him considerably. In the course of the interview, he said that the continued application of the immigration policy there might help the political opponents of Governments to press for quitting the Commonwealth. As reported, this statement was changed greatly and some reference was made to the "White Australia" policy of the Government of Australia. The High Commissioner had not said anything about the White Australia policy as such.

(c) This incorrect report led to some criticism in the Press and elsewhere on the ground that the High Commissioner should not criticise the policy of the country he was accredited to.

The attention of the Ministry of External Affairs of Australia was drawn to this mis-reporting which had led to some press comment. As a result, the Australian Ministry of External Affairs issued a statement stating that no further action was deemed necessary.

Shri S. N. Das: May I know whether there was anything in the statement, which violated any established convention to be observed by diplomatic representatives?

Shri Anil K. Chanda: Not in our opinion.

Shri S. N. Das: May I know whether the statement or speech that was made was an oral one or a written one?

Shri Anil K. Chanda: It was an oral interview given to a representative of a paper in Brisbane.

Shri S. N. Das: May I know whether the attention of Government has been drawn to the fact that the report as sent by Reuters has been published in different forms in the Indian newspapers?

Shri Anil K. Chanda: We have seen varied versions of this report.

STORES PURCHASE COMMITTEE

***823. Shri Dabhi:** Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply to starred question No. 506 asked on 2nd December, 1953, and state:

(a) whether Government have now received the report of the Stores Purchase Committee;

(b) if so, what are the main recommendations of the Committee; and

(c) which of these recommendations have been accepted by Government?

The Minister of Works, Housing, and Supply (Sardar Swaran Singh): (a) An Interim Report of the Stores Purchase Committee has been received; the Final Report is expected in December 1954;

(b) and (c). The recommendations of the Committee are under the consideration of Government and it is proposed to place on the table of the Lok Sabha, the complete material when the Final Report is received.

Shri Dabhi: May I know the time Government will take to arrive at a decision?

Sardar Swaran Singh: The report is expected in December 1954, and after the receipt of the report, Government will require not more than about two months to take decisions on the recommendations.

Pandit Munishwar Datt Upadhyay: What were the aspects of the inquiry, regarding which an interim report was found necessary and was submitted?

Sardar Swaran Singh: As the items upon which the Stores Purchase Committee were holding their scrutiny were a fairly large number, they sent an interim report on a number of them,

so that Government might consider them in advance, and when the final report is received, they may not take long to arrive at decisions.

HANDLOOM FABRICS MARKETING COOPERATIVE SOCIETY

*824. **Shri Jhulan Sinha:** Will the Minister of **Commerce and Industry** be pleased to state how the matter stands with regard to the formation of the All India Handloom Fabrics Marketing Cooperative Society?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Recommendations have been received from the All India Handloom Board for the formation of the All India Handloom Fabrics Marketing Co-operative Society which are under examination.

Shri Jhulan Sinha: May I know if, with a view to expediting the expansion of the handloom market in this country, it is necessary to expedite the consideration of the matter?

Shri T. T. Krishnamachari: The question has to be considered because there are various facets to this particular problem, and Government are not soft-pedalling the consideration of this matter. They are giving their attention to it, but all these take time because quite a large element in the implementation of the proposal is covered by the necessary amount of finance.

BANARAS SILK GOODS

*825. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the import of Banaras silk goods and scarfs into the United States of America is banned under the U.S. Flammable Fabrics Act; and

(b) whether the Government of India have asked the U.S. Government for the removal of this ban?

The Minister of Commerce (Shri Karmarkar): (a) Import of silk goods and scarves into the U.S.A. is permitted provided such goods satisfy the flammability test prescribed in this behalf by the U.S.A. Government under the U.S. Flammable Fabrics Act.

(b) Representations have been made by the Government of India that the Indian silk sarees, laces and scarves should be exempted from these tests.

Shrimati Tarkeshwari Sinha: May I know if the Banaras silk goods completely come under ban according to the Flammable Fabrics Act, and whether after the approach of the Government of India, the Government of the U.S.A. are likely to amend this Act?

Shri Karmarkar: There is a Bill that has been passed by the Senate to reduce the flammability standard from 4 seconds to 3½ seconds. The idea is that a strip of 2" by 6" is put under examination; if it burns in about 7 seconds, then it is not excluded; if it burns in 4 seconds, then it is banned. It depends upon whether the particular type of goods that are sent pass the flammability test or not.

Shrimati Tarkeshwari Sinha: Before the imposition of this ban, what amount of Banaras silk was exported to the United States?

Shri Karmarkar: I have figures in general. For instance, in 1953-54 our export to the United States of America was to the tune of 9,200 yards; in 1954-55 (April to June), it is 1,500 yards.

Shri T. N. Singh: May I know to what extent is Banaras silk more inflammable than other bleached silk?

Shri Karmarkar: It is a question of opinion. If my hon. friend sends a sample, we shall send it to be tested.

INDO-AMERICAN AGREEMENT

*826. **Shri K. P. Sinha:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that an operational agreement has been entered into between the Government

of India and U.S.A. for a joint project for training Indian personnel in the operation and maintenance of heavy earth moving and other construction equipment used in the multi-purpose river valley schemes in India; and

(b) what progress has been made in this direction?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) It has been decided to open two training Centres, one at Kotah in Rajasthan and the other at Hirakud in Orissa. Orders for machinery for use at these Centres costing about Rs. 21:91 lakhs to be provided by the Government of the U.S.A. under this agreement have been placed. The demand for four instructors to be provided under this agreement has been registered with the Government of the U.S.A. Details relating to the provision of accommodation, staff etc. are being worked out. It is proposed to start these Centres by the end of this year or the beginning of the next year.

Shri K. P. Sinha: May I know what is the total expenditure in the first year of the project?

Shri Hathi: The total is Rs. 21 lakhs for machinery and about Rs. 14 lakhs for the other; that is going to be the expenditure.

PROHIBITION

*827. **Shri Jethalal Joshi**: Will the Minister of **Planning** be pleased to state:

(a) whether the Planning Commission has called for the reports about the results of the prohibition from the States in which it is in force;

(b) what opinions have been expressed by the States; and

(c) whether other States, which have not introduced prohibition as yet, have given any definite indication of their policy towards it?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Yes, Sir.

(b) and (c). A brief summary of the replies of the State Governments received so far is laid on the Table. [*See* Appendix V, annexure No. 7.]

Shri Jethalal Joshi: From the statement it appears that there are a few States in which Prohibition is complete, whereas there are some where it is intended to introduce Prohibition gradually. May I know when this process will be completed?

The Minister of Planning and Irrigation and Power (Shri Nanda): This matter is becoming the subject of an inquiry through the Planning Commission. An officer has already been engaged to collect data and an Inquiry Committee is going to be set up. They will look into all these aspects.

Shri Jethalal Joshi: Can Government inform the House about the total amount saved to the people by enforcement of Prohibition in Bombay and other States—where it is in force—in 1953-54?

Shri Nanda: This will need notice.

Several Hon. Members *rose*—

Mr. Speaker: Order, order. Next question.

TRADE EXHIBITION AT SINGAPORE

*828. **Sardar A. S. Saigal**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there was an Indian Trade Exhibition held at Singapore in 1952-53;

(b) if so, what was the object of that exhibition; and

(c) from how many parties in India, goods for the exhibition were collected and what was the total cost of the goods?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) and (c). Do not arise.

MIGRATION FROM EAST BENGAL

*829. **Shri Krishnacharya Joshi:** Will the **Prime Minister** be pleased to refer to the reply to starred question No. 300, asked on the 31st August, 1954 and state what are the reasons for the migration from East Bengal?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): The migration from East Bengal to West Bengal has been of the order of 5,000 to 6,000 per month in the first seven months of this year. The principal reasons apparently are the economic difficulties which are faced by the people in the Province generally and by the Hindus in particular. There are also various kinds of harassments by members of the majority community and the failure of the local authorities to render them adequate redress. A number of arrests in East Bengal in recent months and Press propaganda there have also added to the feeling of insecurity of the minority community.

Shri Krishnacharya Joshi: It has been stated in reply to question No. 300 that 25,000 persons have come. May I know the figure in the last year?

Shri Anil K. Chanda: I could not catch the question.

Mr. Speaker: He wants to know the comparative figure for last year as against 25,000.

Shri Anil K. Chanda: I have got the figures we supplied on the last occasion. They are with regard to the migration certificates. I have not got the figure for the last year.

Shri Krishnacharya Joshi: May I know whether the present Military Governor's rule is also responsible for this migration?

Shri Anil K. Chanda: It has nothing to do with that. There is no Military Governor's rule. So far as the Governor of East Bengal was concerned, he used to be the Secretary of the Defence Ministry of Pakistan. There has been a growing feeling of insecurity in the minds of the minority community and also very great economic hardship.

Shri Krishnacharya Joshi: May I know whether there is insecurity in the minds of the minority community, and therefore, they are leaving for India?

Shri Anil K. Chanda: Obviously. Otherwise, they would not leave their hearth and home.

Shrimati Khongmen: May I know if the Prime Minister is in a position to show the migration figure of the hill people of Pakistan into the State of Assam in the corresponding period, i.e. January to August 1954, and the reason therefor?

Shri Anil K. Chanda: The estimated figures are as follows. During June and July, 1201 have migrated from East Bengal into Assam and the corresponding figures for last year were: in the month of June, 982 and in the month of July, 797.

Mr. Speaker: Next question.

Shri Amjad Ali: The question asked was about the hill people. It is different from what the hon. Minister has said.

Mr. Speaker: Whatever it may be. I have called for the next question.

Shri Anil K. Chanda: The figures are not broken up into for the hill people and plains people.

CHANDERNAGORE

*830. **Shri Tushar Chatterjea:** Will the **Prime Minister** be pleased to state:

(a) whether the proposal of the Government of India about formation of Chandernagore sub-division has been finalised by selecting specific areas for the sub-division;

(b) if so, what are those areas; and

(c) on what basis the constituents of this sub-division have been selected?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes.

(b) The areas consist of the 4 Police Stations of Bhadreswar, Singur, Haripal and Tarkeswar of the Serampore Sub-division. These will be added to Chandernagore to form the new Sub-division.

(c) The basis for selection has been administrative convenience and viability of each unit in matters of area, population, communication and resources.

Shri Tushar Chatterjea: May I know whether the people concerned had been consulted in this regard?

Shri Anil K. Chanda: A number of representations had been received by the Government of West Bengal on this matter.

EXPORT OF COAL

*831. **Pandit D. N. Tiwary:** Will the Minister of **Production** be pleased to state:

(a) whether there has been any appreciable decline in the export of coal in 1953-54 and there is also trend of further decline in the current year; and

(b) whether Government have devised any scheme to step up coal export trade?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) Exports in 1953-54 have generally been higher than in the years prior to 1950-51 but have declined when compared to the quantities exported during the previous two years *viz.*, 1951-52, 1952-53 in which years India had exceptionally good markets owing to abnormal world conditions. The present trend of coal exports from India is such that it is difficult definitely to say one way or the other whether there will be a further decline in the current year.

(b) Government have already taken certain steps to encourage coal exports. They abolished the commercial charge on exports of coal from 11th May 1953; the procedure for securing export orders has been simplified and the gradewise restrictions on exports has also been relaxed. The further steps to be taken to step up coal export are now the subject of investigation by a Committee appointed by the Government.

Pandit D. N Tiwary: May I know whether high railway freight is also responsible for the decline in coal export and, if so, whether the Production Ministry has taken up the matter with the Railway Ministry to reduce the freights?

The Minister of Production (Shri K. C. Reddy): The question of railway freight is a general one which does not affect the export only of coal. It may be a question which affects internal transport also. I would rather suggest that this aspect may not be mixed up with the question of coal exports. Possibly a reduction in railway freight would be helpful to the internal consumers also but that is a different matter.

Pandit D. N. Tiwary: May I know whether coal that is exported is sent to the ports by ships or only by railways?

Shri R. G. Dubey: There are different ways; one is rail *cum* sea route, another is rail route and there is also the river *cum* rail route.

Pandit D. N. Tiwary: May I know which country imports the highest quantity of coal?

Shri R. G. Dubey: A study of the figures will indicate that Japan and Pakistan have been our largest importers of coal.

Shri Thimmaiah: May I know the total quantity of coal that is ready for export and what are the other countries that are importing our coal?

Shri R. G. Dubey: I have already given in the answer that the exports have declined. The actual exports for the year 1951-52 is 33,38,000 tons. These are the actual figures.

CENTRAL INSTITUTES OF RESEARCH

*833. **Pandit Munishwar Datt Upadhyay:** Will the Minister of **Commerce and Industry** be pleased to state what

are the places where Central Institutes of Research are being established to help in the technical improvement of particular industries?

The Minister of Commerce (Shri Karmarkar): I believe that the Member is referring to the Regional Technological Institutes proposed to be set up on the recommendations of the Ford Foundation International Team. The places are Faridabad, Calcutta, Poona or Bombay and Madurai.

Pandit Munishwar Datt Upadhyay: What kinds of researches are being undertaken and when are they likely to succeed?

Shri Karmarkar: It will depend upon the small-scale industries that are in vogue in the different places and researches will be conducted on such subjects as are helpful for promoting the possible industries there.

Pandit Munishwar Datt Upadhyay: What is the estimated cost of these?

Shri Karmarkar: I should like to have notice.

Shri S. N. Das: What progress has been made towards the establishment of the research institutes?

Shri Karmarkar: In the case of the Southern Institute at Madurai, a Director has been appointed and in respect of other institutes, the matter is under our consideration. As soon as the whole set-up is complete, the institutes will begin functioning.

Pandit Munishwar Datt Upadhyay: Will they undertake researches for the private sector of the industries or will they do it only for Government?

Shri Karmarkar: Principally for the private sector of industries.

PHILIPPINES

*834. **Shri Radha Raman:** Will the **Prime Minister** be pleased to state:

(a) whether the Government of Philippines have recently passed any Retail Trade Nationalization Bill which will disqualify foreigners from entering into any retail trade in that country;

(b) whether a large number of Indian retail dealers will also be affected by this Bill;

(c) whether Government took up the matter with the Government of Philippines; and

(d) if so, with what results?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes, Sir.

(b) About 400 Indians will be affected.

(c) and (d). The Indian Minister at Manila took up the matter with the Government of the Philippines for a satisfactory revision of the Bill. This was in addition to the collective protest made through the Dean of the Diplomatic Corps by the Heads of the diplomatic missions of the countries whose nationals are affected. The Minister was informed in reply after the Bill had been enacted that the President of the Philippines had set up a Committee of the Congress to examine appropriate amendments to the Act with a view to removing defects and making it satisfactory to all concerned and he was invited to suggest amendments concerning the interest of Indian nationals. The suggestions of the Committee will be considered at the next session of the Congress which will be sometimes in 1955.

Shri Radha Raman: May I know whether a copy of this Bill is available with the Government of India, and, if so, what are its provisions.

Shri Anil K. Chanda: Obviously, we have the Act with us. It means, roughly speaking, within a period of ten years no foreign nationals except the Americans will be allowed to carry on retail trade in the Philippines.

Shri Radha Raman: May I know if the Government of India have suggested some amendments of its own to the Bill?

Shri Anil K. Chanda: In my answer, I have indicated that the President of the Philippines had requested our Minister at Manila to offer suggestions on behalf of the Indian subjects, which is being done.

Shri Radha Raman: May I know when this Bill is being put into force?

Shri Anil K. Chanda: I said in my answer that in the session of the Congress in 1955, certain provisions would be considered according to what the President of the Philippines told our Minister.

Mr. Speaker: His point is, the law is enacted, but is it being given effect to?

Shri Anil K. Chanda: It seems it has not been put into operation.

औद्योगिक गृहनिर्माण योजना

*८३५. **श्री नवल प्रभाकर :** क्या निर्माण, आवास तथा संभरण मंत्री यह बताने की कृपा करेंगे कि दिल्ली राज्य को, सहायता, प्राप्त औद्योगिक गृहनिर्माण योजना के अन्तर्गत अब तक कितनी राशि दी गयी है ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): A sum of Rs. 37,15,200 has been sanctioned to the Delhi State Government for the construction of 1,376 tenements.

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि यह जो मकान बनेंगे वह किस प्रकार के होंगे, एक कमरे वाले या दो कमरे वाले ?

सरदार स्वर्ण सिंह : दिल्ली स्टेट जिस किस्म की प्लैन भेजेगी उस के मुताबिक यह बनाये जायेंगे ।

Shri S. N. Das: May I know whether it is a fact that the scheme suggested by the Delhi State Government under the Subsidised Industrial Housing Scheme has been turned down by the Central Government?

Sardar Swaran Singh: No scheme for the construction of Industrial housing tenements has been turned down.

Research in Handlooms

*837. **Shri S. V. Ramaswamy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the result of experiments carried on, under the supervision of the All-India Handloom Board on the handloom invented by Mr. Nadeau in the United States of America; and

(b) whether the Amber Spinning wheel with four spindles has been tried anywhere in India and if so, with what results?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) State Governments and other organisations who conducted experiments have expressed the view that the Nadeau loom will be uneconomic in commercial use.

(b) Yes Sir, in the South. Precise reports about results are not available.

Shri S. V. Ramaswamy: How many sets are in this country and what is the approximate cost of each set?

Shri T. T. Krishnamachari: Twelve of them were imported at a cost of about a thousand rupees each.

Shri S. V. Ramaswamy: Speaking on the rationalisation resolution last week, the hon. Minister said that he is in favour of decentralisation of weaving. Is it also the policy of the Government to have decentralisation of spinning?

Shri T. T. Krishnamachari: I cannot see how it arises nor do I think how it would be possible.

Shri S. V. Ramaswamy: Is there a proposal to manufacture these sets so that they may be distributed in the villages to produce yarn?

Shri T. T. Krishnamachari: Precise reports about the success of these Amber Spinning wheel are not available. Therefore, I am unable to answer the question either in the affirmative or in the negative.

TUNGABHADRA CONTROL BOARD

*839. **Shri Bhagwat Jha Azad:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether Government propose to reconstitute the Tungabhadra Control Board; and

(b) whether it is also proposed to invest the reconstituted Board with any special powers?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) It is proposed that the Board, which has so far been exercising the powers of a Chief Engineer, should after its reconstitution be invested with the powers of a State Government.

Shri Bhagwat Jha Azad: May I know what led to the Government's conferring these special powers on this Board, when other Boards in the country are not vested with such powers?

Shri Hathi: It is not a question of giving special powers. This Board was exercising the powers of the Chief Engineer. There are certain decisions to be taken at the Government level and there were certain delays as the Board had not the powers of the Government. Therefore, it was thought that the Board should be invested with the powers of the State Government and not only that of the Chief Engineer.

Shri Bhagwat Jha Azad: May I know the reasons that led to delays on the part of the Board in its work?

Shri Hathi: Naturally, when the Board had the power of only the Chief Engineer, certain questions had to be referred to the Government for decision, as the Board was not invested with the powers of the Government and some delays did occur.

Shri Raghuramaiah: May I know whether the Governments of Andhra, Hyderabad and Mysore have agreed to the re-constitution of the Board?

The Minister of Planning and Irrigation and Power (Shri Nanda): Yes, Sir.

Shri T. N. Singh: May I know whether the four States concerned have delegated all their powers in respect of this or only certain specified powers to this Board?

Shri Hathi: The Board is being constituted; it will be done, when it is constituted.

BURMESE MISSION

*842. **Shri Raghunath Singh:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that a Burmese Mission is visiting India in the first week of September, 1954, to study and observe Social Welfare and Community Development Projects in India; and

(b) if so, the facilities that are being provided to the Mission during their tour in India?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes; the Mission arrived in India in the first week of September.

(b) The Mission is being given every facility to study the reconstruction and development schemes and the usual courtesies have been extended to the Mission.

श्री रघुनाथ सिंह : इस पर सरकार की तरफ से क्या खर्च होगा ?

प्रधान मंत्री तथा वैदेशिक कार्य एवं रक्षा मंत्री (श्री जवाहरलाल नेहरू) : इसका कोई हिसाब तो हमारे पास नहीं है । लेकिन जो खास्तिर तवाजे में खर्च होता है वह खर्च होगा ।

Shri Kasliwal: May I know, if it is a fact that similar Missions from some other countries in South East Asia are also coming to visit these development projects?

श्री जवाहरलाल नेहरू : जी हां, अक्सर आया करते हैं । आते हैं, दस्तते हैं और जाते हैं ।

TEXTILE COMMISSIONER'S OFFICE

*843. **Th. Lakshman Singh Charak:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of purchases and disposals that have been recorded by the Purchase and Disposals Branch of the Textile Commissioner's Office, Bombay in 1953-54;

(b) whether Government contemplate to close down that office; and

(c) the expenditure incurred on the maintenance of that office in 1953-54?

The Minister of Works Housing and Supply (Sardar Swaran Singh): (a) Purchase Orders: 956

Disposal Orders: 134

(b) The question of the amalgamation of this office with the Directorate of Supplies and Dispqsals, Bombay will be considered on receipt of the Report of the Stores Purchase Committee who are examining the organisation and working of the Directorate General of Supplies and Disposals and its branches.

(c) Rs. 5:47 lakhs.

LOCKERS

*844. **Shri Gidwani:** Will the Minister of **Rehabilitation** be pleased to state whether any agreement has been reached with the Pakistan Government about the operation of lockers lying in the different Banks in West Pakistan?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): No.

Shri Gidwani: Have the claimants given any idea to the Government about the value of the articles lying in these lockers?

Shri J. K. Bhonsle: No, Sir.

GRANT FROM ALL INDIA KHADI AND VILLAGE INDUSTRIES BOARD

*847. **Shri S. V. L. Narasimham:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of the producers of Khadi who receive grants from the All India Khadi and Village Industries Board; and

(b) the steps that Government propose to take to give rebate to purchasers of Khadi from any producer?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A statement is laid on the Table of the House. [*See* Appendix V, annexure No. 8.]

(b) A rebate of annas three per rupee is already being given on the sale of khadi. In order, however, to ensure that rebate is given only on genuine khadi, retail purchases only from certified producers and bhandars are made eligible for this concession.

Shri S. V. L. Narasimham: May I know the authority that is to certify about the *bona fide* retailers?

Shri T. T. Krishnamachari: The authorities are those nominated by the All India Khadi and Industries Board and they are the body that have taken over the All India Spinners Association.

Shri S. V. L. Narasimham: May I know whether it is not a fact that there are producers who have nothing to do with the All India Spinners Association?

Shri T. T. Krishnamachari: There may be producers, but the certifying authorities need not have anything to do with the All India Spinners Association.

Babu Ramnarayan Singh: What is the increase in the production and sale of khadi after the rebate is allowed?

Shri T. T. Krishnamachari: I believe, I gave the information, Sir. The increase is in the region of about 17 per cent.

CONFERENCE ON ATOMIC ENERGY

***848. Shri Buchhikotaiah:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Government of India intend to convene a conference on Atomic Energy in Delhi;

(b) if so, when it is proposed to be held; and

(c) the main subjects to be discussed in the conference?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) Yes.

(b) Sometime in November, 1954.

(c) Development of Atomic Energy for Peaceful Purposes in India.

Shri Buchhikotaiah: May I know what preliminary steps were taken till now to convene the conference?

Shri Jawaharlal Nehru: The preliminary steps taken were to consult people; fix a suitable date—it is rather difficult to fix suitable dates because many of the important members were repeatedly going out of India—and then draw provisional lists of the people to be invited and the subjects.

Shri K. K. Basu: May I know whether there will be invitees from outside countries; if so, how many of them will be invited and belonging to which countries?

Shri Jawaharlal Nehru: As far as I know it is not intended to invite any persons from outside to this particular conference.

Shri Amjad Ali: Is this conference likely to review the work of the Indian Atomic Energy Mission for the last five years?

Shri Jawaharlal Nehru: That is not the purpose of the conference, but, inevitably, some reference to the work is bound to be made; I take it.

SMALL-SCALE ENGINEERING CONCERNS

***849. Shri H. N. Mukerjee:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have approved of a scheme for the development of small-scale engineering concerns in and near Howrah; and

(b) if so, the details of the scheme?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). The question is under negotiation with the Government of West Bengal.

Shri H. N. Mukerjee: Has Government any schemes regarding avoidance of unemployment which threatens a large proportion of workers in these concerns?

Shri T. T. Krishnamachari: Apart from the proposals now under examination, there are no specific schemes.

Shri N. B. Chowdhury: May I know whether Government have enquired about the conditions of these industries prior to negotiations with the Government of West Bengal?

Shri T. T. Krishnamachari: Government have a fair idea about the condition of the industries.

Shri K. K. Basu: Is it true that the Statistical Bureau at a preliminary enquiry reported that nearly 45 per cent. of installed capacity is lying idle?

Shri T. T. Krishnamachari: I have said times without number that installed capacity does not mean effective capacity and, therefore, I am unable to answer the question.

POWER TO ROURKELA PROJECT

***850. Shri Sanganna:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that a decision to supply power from Hirakud to Rourkela Project has been arrived at;

(b) if so, the rate and cost at which the power will be supplied; and

(c) the date from which the decision will be effective?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c). It has been decided that the Hindustan Steel Works, Rourkela, should, in the first instance, instal a thermal generating unit of 7,500 KW using the by-product gases arising in the Works and take the balance of power from Hirakud as soon as power becomes available from that source. The rates at which power will be supplied to the Steel Works is under consideration by the Power Tariff Committee of Orissa Government.

Shri Sanganna: May I know when the supply of power from Hirakud is expected?

Shri Hathi: It is expected in July 1956 or so.

Shri Sanganna: May I know whether any such commitments have already been made for supply of power from Hirakud?

Shri Hathi: Negotiations are afoot with other companies also for power supply.

Shri Sanganna: May I know the stage of progress in respect of Rourkela Project?

Shri Hathi: I could not follow the question, Sir.

Mr. Speaker: He wants to know the stage at which the Rourkela Proejct is at present.

The Minister of Production (Shri K. C. Reddy): That is a question I have to answer. In respect of another question that is likely to come up before the House I intend to place a statement on the Table of the Lok Sabha indicating the progress made in various directions.

FILMS

*851. **Shrimati Jayashri:** Will the Minister of **Information and Broadcasting** be pleased to state whether any films have been produced by Government for being exhibited in foreign countries?

The Minister of Information and Broadcasting (Dr. Keskar): In the programme of the Films Division, six documentaries are included every year primarily for exhibition abroad on subjects suggested by Ministry of External Affairs. Selected documentaries from among those produced for general publicity are also supplied to Indian Missions. A list of documentaries sent abroad is placed on the Table. [*See* Appendix V, annexure No. 9.]

From the newsreels, a monthly edition is prepared for exhibition abroad, apart from the news item supplied for television ciruits and to foreign newsreel organisations under exchange arrangements.

Shrimati Jayashri: May I know, Sir, the method of exhibiting those films and do the public get a chance of seeing these documentaries?

Dr. Keskar: In regard to the documentaries that are sent over to Missions abroad, the responsibility is on the Missions who have to arrange for their exhibitions. I think they arrange for as many exhibitions as possible. Over and above this, we have got contracts now with certain number of foreign distributors on the Continent where they distribute our documentaries with their other films. I do not have the details here just now.

Shri K. K. Basu: Arising out of the answer just given, I wish to ask how many countries there are with which we have this agreement in regard to the private distributors for the exhibition of documentaries?

Dr. Keskar: I would not be able to answer the question off-hand, but our arrangement is not with the countries. We have arrangements with one or two distributing agencies, and if I am not mistaken, they distribute it to many countries at the same time.

दमिश्क में अन्तर्राष्ट्रीय मेला

*८५२. **श्री जो० एल० चौधरी :** क्या **वाणिज्य तथा उद्योग** मंत्री यह बताने की कृपा करेंगे :

(क) क्या भारत दमिश्क में होने वाले अन्तर्राष्ट्रीय मेले में भाग लेगा; और

(ख) यदि हां, तो मेले में प्रदर्शन के लिये कौन-कौन सी वस्तुएं भेजी जायेंगी ?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) A statement is laid on the Table of the House. [*See* Appendix V, annexure No. 10.]

Shri G. L. Chaudhary: May I know the criteria on which the selection is made?

Shri T. T. Krishnamachari: For selection of what, the place or the exhibits?

Mr. Speaker: Selection of exhibits, I think.

Shri T. T. Krishnamachari: The idea is to have regard to the experience gained from the other exhibitions and also the willingness of the parties to spare exhibits for the purpose of exhibiting in such a fair.

INDUSTRIAL HOUSING IN MADHYA PRADESH

*853. **Shri N. A. Borkar:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total amount allotted to Madhya Pradesh under the Industrial Housing Scheme during the last three years by the Central Government;

(b) whether the amounts sanctioned were fully utilised;

(c) whether it is a fact that only one hundred Houses for the Industrial workers have been constructed in Madhya Pradesh so far; and

(d) if so, the reasons therefor?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) A total amount of Rs. 30,06,500 has been sanctioned during the years 1951-52 to 1953-54.

(b) No, Sir; Not yet.

(c) Construction of 164 houses has been completed upto end of August, 1954. Another 590 houses are under various stages of construction.

(d) The somewhat slow progress is due mainly to difficulties in acquiring land.

सरदार ए० एस० सहगल : क्या मैं जान सकता हूं कि मध्य प्रदेश सरकार को जो रकम खर्च करने के लिये दी गई थी वह पूरी की पूरी रकम मध्य प्रदेश की सरकार ने खर्च की है या उस में से कुछ बाकी है ?

सरदार स्वर्ण सिंह : बाकी है ।

NEW MEDIUM-WAVE TRANSMITTERS

*854. **Shri Raghuramaiah:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is proposed to install new medium-wave transmitters at different stations in India; and

(b) if so, the details of the programme including the date by which the new transmitter is proposed to be installed in each case?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) A statement giving the requisite information has been laid on the Table of the House. [*See* Appendix V, annexure No. 11.]

Shri Raghuramaiah: I find from the statement that different power transmitters have to be installed at different places. In Bangalore, a 50 K.W. transmitter is to be installed, but in Vijayawada, the area of which is not less than that of Bangalore, the transmitter to be installed is a 20 K.W. May I know the guiding principle for this differential treatment?

Dr. Keskar: It is not possible to give an exact answer why different power transmitters are located in the various centres. Various fatcors, including the effect of the coverage, have to be taken into consideration. Over and above these the question to be considered is whether the particular station will be purely a coverage given for the State or whether it is going to be zonal. All these factors are taken into consideration.

Shri Raghuramaiah: In view of the fact that there is now a cry for Visalandhra, may I know whether Vijayawada will not have a zonal and wider prospect?

Dr. Keskar: I hope my hon. friend is aware that, after the coming into being of the Andhra State, we have made special efforts and this 20 K.W. transmitter to Andhra State has been allotted during the last two or three months, after making adjustments and changes in the Five Year Plan.

Shri K. K. Basu: Is it not true that it is more convenient to have 20 K.W. power stations in greater numbers than having 50 K.W. with much less arrangement?

Dr. Keskar: It will not be right to make such wide generalisations. It all depends on the target that we want to cover and it also depends on the recurring administrative expenditure that we are prepared to incur, but there are cases where having a number of 20 K.W. transmitters is much better than having a very high power transmitter.

गृहनिर्माण योजनायें

*८५५. **श्री बी० डी० शास्त्री :** क्या **पुनर्वास** मंत्री २१ अप्रैल, १९५४ को पूछे गये तारांकित प्रश्न संख्या १९६३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि सरकार ने विभिन्न राज्यों को विस्थापित व्यक्तियों सम्बन्धी गृहनिर्माण योजनाओं के लिये किन शर्तों पर रुपया दिया है ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): A statement giving the terms on which the amounts have been sanctioned is laid on the Table of the Sabha. [*See* Appendix V, annexure No. 12.]

श्री बी० डी० शास्त्री : क्या यह सच है कि विन्ध्य प्रदेश में जो शरणार्थियों के क्वार्टर्स तैयार किये गए हैं, उस सिलसिले में किसी किस्म की शिकायत वहां के शरणार्थियों ने दो हफ्ते पहले केन्द्रीय सरकार से की थी ?

श्री जे० के० भोंसले : हां की होगी, लेकिन मेरे पास तो उसका जवाब नहीं है ।

पुनर्वास मंत्री (श्री ए० पी० जैन) : I shall answer this, Sir. हां शिकायत की थी ।

श्री बी० डी० शास्त्री : क्या वह सही है कि एक क्वार्टर के बनाने में २,२०० रुपये खर्च किये गये हैं जिस के सिलसिले में रैफ्यूजीज ने कहा कि यह बहुत अधिक रुपया खर्च किया गया है, मकानों की लागत हजार, बारह सौ से ज्यादा नहीं है, इस लिये हम उन मकानों को लेने से मजबूर हैं, फिर भी वहां की सरकार ने उन पर फोर्स डाल कर उन्हें मकान लेने पर मजबूर किया है और मकान जबर्दस्ती दिये जा रहे हैं ?

श्री ए० पी० जैन : मकान देने में किसी पर जोर नहीं दिया जाता, अलबत्ता उन्होंने यह जरूर कहा था कि इसकी कीमत ज्यादा है लेकिन यह उनका कहना गलत था ।

हिन्दी की जनपदीय बोलियों में प्रसारण

*८५६. **श्री भक्त दर्शन :** क्या **सूचना तथा प्रसारण** मंत्री यह बताने की कृपा करेंगे कि मैथिली, ब्रजभाषा, राजस्थानी और गढ़वाली आदि हिन्दी की जनपदीय बोलियों में रूपक आदि के प्रसारण के सम्बन्ध में आकाशवाणी द्वारा क्या-क्या सुविधायें दी जाती हैं ?

The Minister of Information and Broadcsting (Dr. B. V. Keskar): All

India Radio Stations broadcast mainly in the regional languages and dialects are used ony in programmes of a cultural type based on folk music and literature and in cases where the requirements of dramatic or featurised presentation necessitate the use of dialects. Facilities for the broadcast of features in the Hindi dialects are therefore given in AIR's rural programmes on this basis, depending on exigencies of programmes planning and the availability of scripts of the requisite standard. The areas where Rajasthani and Garhwali are spoken have not yet come under the coverage of AIR's existing transmitters.

श्री भक्त दर्शन : क्या मंत्री महोदय के ध्यान में यह बात लाई गई हैं कि अभी तक इन जनपदीय भाषाओं का जो कार्यक्रम आकाशवाणी से प्रसारित किया जा रहा हैं वह बहुत कम हैं और उसे और अधिक बढ़ाने की आवश्यकता हैं ?

डा० केसकर : जी हां, आल इंडिया रेडियो इस बात को महसूस करता हैं कि जो भिन्न भिन्न बोलियां हैं उनके अन्दर सांस्कृतिक कार्यक्रम जहां तक हो हम बढ़ावें लेकिन जैसा मैंने आपको इस जवाब में कहा हैं ऐसे बहुत से प्रदेश हैं जहां हमारे आजकल जो ट्रान्समीटर हैं उनकी वहां तक पहुंच नहीं हैं और जब तक ट्रान्समीटर्स की आवाज वहां तक नहीं पहुंचती उस समय तक कितने भी प्रकार के कार्यक्रम करने से कोई विशेष फायदा नहीं होगा ।

श्री भक्त दर्शन : क्या कभी इस सुझाव पर भी विचार किया गया हैं कि इस कार्यक्रम को और अधिक सफल और आकर्षक बनाने के लिये परामर्शदात्री समितियों की स्थापना की जाय ?

Mr. Speaker: Have they considered the question of the establishment of advisory committees for the purpose of more effective implementation?

डा० केसकर : हर एक स्टेशन के पास एक जनरल प्रोग्राम एडवाइजरी कमेटी होती हैं और रूरल प्रोग्राम्स के लिये हर एक जगह विशेषज्ञों की एक छोटी कमेटी होती हैं, मैं नहीं समझता और किस प्रकार की कमेटी माननीय मेम्बर सजेस्ट कर रहे हैं ।

श्री हेम राज : मैं जानना चाहता हूं कि आकाशवाणी से पहले जो डोगरी भाषा में प्रोग्राम चलता था वह बन्द कर दिया गया हैं और अगर बन्द कर दिया गया हैं तो वह किस वजह से बन्द कर दिया गया हैं ?

डा० केसकर : मुझे पता नहीं हैं । डोगरी भाषा का प्रोग्राम जम्मू स्टेशन से चलता हैं, यहां से कुछ डोगरी का कार्यक्रम प्रसारित किया जाता था, अब मुझे पता नहीं हैं कि वह पूरा प्रोगाम बन्द कर दिया गया हैं या अंशतः बन्द किया गया हैं, यह मुझे देखना पड़ेगा ।

Development Council for Bicycle Industry

***858. Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply to starred question No. 1632 asked on the 7th April, 1954 and state:

(a) whether the sub-committees appointed by the Development Council for bicycle industry have submitted their report; and

(b) if, so, what action has been taken on it?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) Government's reactions on the reports submitted to them have been communicated to the Chairman of the Development Council concerned. The reply of the Council is awaited.

Shri D. C. Sharma: The hon. Minister said that the reply of the Council is awaited; may I know what the main recommendations are?

Shri T. T. Krishnamachari: It is a very long list. I have got about eight of them. I would certainly promise to let the House know when finally we decide on accepting or rejecting the recommendations, after we hear from the Development Council.

Shri D. C. Sharma: What has been decided so far as the welfare of workers is concerned?

Shri T. T. Krishnamachari: All the recommendations made by those three sub-committees have been considered by Government and our reactions have been sent to the Development Council. We have communicated them to the Chairman, and it is up to the Chairman to tell us what the Council thinks about it. It is only after that, I will be in a position to divulge Government's reactions on these matters, and what decision the Government will take on it.

Shri D. C. Sharma: Would the hon. Minister kindly lay a statement to that effect on the Table of the House in the next session?

Shri T. T. Krishnamachari: As soon as we finalise our arrangements in this matter, I promise to take the House into confidence, but not before that.

LADAKH

*860. **Shri K. P. Sinha:** Will the **Prime Minister** be pleased to state:

(a) whether Government have received any request on behalf of the people of Ladakh for a clear mention of the Ladakh-Western Tibet trade route in the Sino-Indian Agreement on Tibet; and

(b) whether it is a fact that Ladakh has lost its trade with Central Asia on account of Sinkiang having been declared as closed territory?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes, the route leading to Tashigong along the valley of Shangatsangpu (Indus) river, mentioned in Article IV of the Agreement, provides mainly for such trade.

(b) Yes. The loss, however, is being made up by increasing Ladakh's trade with the rest of Kashmir and Tibet and developing its internal resources.

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Shri K. P. Sinha: May I know whether the advantages accruing to the traders under the treaty of 1842 are available now and whether that treaty is still subsisting?

Shri Anil K. Chanda: He is referring to the 1842 treaty. This is a new treaty between India and China.

Mr. Speaker: He may table a question if he likes.

Shri K. P. Sinha: I understand that there were more advantages for the traders who went to Lhasa from Ladakh, under the treaty of 1842. May I know whether they are still subsisting?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): They have all lapsed.

श्री भक्त दर्शन : जिस तरह से टेंहरी गढ़वाल का नीलंग दर्रा हैं जिस से हो कर तिब्बत को मार्ग जाता हैं उसी तरह से कांगड़ा के स्पिती दर्रे से भी तिब्बत को मार्ग जाता हैं, लेकिन तिब्बत से जो समझौता हुआ हैं उस में इन दोनों का कोई उल्लेख नहीं हैं, जिस के कारण से वहां के व्यापारियों को बड़ी कठिनाई होती हैं। क्या गवर्नमेंट के नोटिस में यह बात आई हैं ?

श्री जवाहरलाल नेहरू : आपका मतलब यह हैं कि चूंकि इस की चर्चा समझौते में नहीं हुई हैं इस लिये कठिनाई हो रही हैं ?

श्री भक्त दर्शन : जी, हां।

श्री जवाहरलाल नेहरू : कठिनाई तो कुछ जरूर हैं, लेकिन उस का सम्बन्ध इस चर्चा के न होने से नहीं हैं। यह जाहिर हैं कुछ दिक्कतें हैं और हम चाहते हैं कि दिक्कतें हटाई जायें और इसकी कोशिशें की जाती हैं।

NEHRU-LIAQUAT PACT

*861. **Shri Krishnacharya Joshi:** Will the **Prime Minister** be pleased to state:

(a) whether the Government of Pakistan has implemented all the

terms of the Nehru-Liaquat Agreement; and

(b) if not, what steps Government have taken in the matter?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) and (b). This agreement was arrived at about 4½ years ago to meet a serious situation that had arisen then as well as to set up a special machinery to deal with such difficulties as might arise from time to time. The Agreement was largely successful in meeting the particular situation that had arisen then.

The machinery set up has not been wholly successful though it has from time to time dealt with particular problems as they rose. Some minor grievances have been redressed. On several occasions, and in regard to some matters, however, the Pakistan Government's response has been unsatisfactory.

In September-October, 1953, an Indo-Pakistan Conference at official level was held in Calcutta to discuss Eastern Zone problems, including the implementation of the Agreement. The Ministers for Minority Affairs of India and Pakistan met in New Delhi in July last and had informal talks regarding the working of the Agreement. They agreed to meet again in the near future and to undertake a joint tour of selected areas on either side of the border.

Shri Krishnacharya Joshi: May I know which of the terms of the agreement have been implemented? Can we have an idea of that?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): The answer which was given shows that the agreement was in 1950. Most of the terms were implemented in 1950. It was made to meet a certain situation, and certain machinery was laid down for other occurrences and to meet other difficulties. The machinery has not functioned particularly well: sometimes it functions, sometimes not. But so far as the agreement is concerned, I might say that its main purpose might be implemented then and there after a few months of execution.

Shri Krishnacharya Joshi: Is it a fact that the present Government of Pakistan have not been keeping the agreement?

Shri Jawaharlal Nehru: The agreement has served its major purpose already, years ago. Certain aspects of it continue and there is no doubt about it. As the answer said, the response in regard to the machinery,—the response of the Pakistan Government, has not been satisfactory, according to our thinking.

Dr. Ram Subhag Singh: As disclosed on the floor of the House by the Home Minister, a large number of persons came to Hyderabad on temporary permits and now, it is difficult to send them over to Pakistan because of the Nehru-Liaquat Agreement. Is it not so?

Shri Jawaharlal Nehru: The hon. Member has reference to some particular agreement in mind. This agreement has nothing to do with the question of permits. The question of permits was decided entirely separately. There may be some difficulties about certain matters. I cannot say off-hand.

U.S. Observers in Kashmir

*862. **Shrimati Tarkeshwari Sinha:** Will the **Prime Minister** be pleased to state:

(a) how many of the U.S. Observers have left Kashmir so far; and

(b) how many are still there and when are they expected to leave Kashmir?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) and (b). The strength of the U.S. personnel in the U.N. Observers Team in March, 1954, was 21 out of which 18 were military personnel and 3 civilians. The total number of observers of different nationalities in the Team at that period was 82. At present, out of a total strength of 72, there are 5 U.S. nationals in the U.N. Observers Team, of which 3 are military personnel and 2 are civilians.

It is expected that the remaining U.S. nationals will also be leaving soon. The exact dates on which they will leave, however, are not known.

Shrimati Tarkeshwari Sinha: May I know whether the vacancies caused by the outgoing Americans have been duly filled up?

Shri Anil K. Chanda: The vacancies are continuing to be filled up. There is continual coming and going of the people.

Shri H. N. Mukerjee: Is it a fact that the United States nationals who are among the U.N. observers have insisted successfully that they shall not leave till their scheduled tenure is over?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): There is no question of insistence or non-insistence. We deal with the United Nations Secretariat, not with the observers there. As the hon. Members no doubt know, we pointed out to them that in the existing circumstances, it was not desirable that they should continue, and we expect the Secretary-General there to deal with the matter as occasion arises. We do not think it worth while for us to make any further suggestions on the matter.

Shrimati Tarkeshwari Sinha: When those officers were replaced by the officers of other nationalities, may I know whether the Government of India's preference was considered by the U.N.?

Shri Jawaharlal Nehru: My colleague tells me that the appointments were made in consultation with us.

WRITTEN ANSWERS TO QUESTIONS

Private Sector in Indian Industry

***820. Shri A. K. Gopalan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the private sector in Indian industry is unwilling to start new industries for which the required technical skill is available in the country; and

(b) whether Government periodically review the position of the industries allotted to the private sector and if so, for what purpose?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Government have no information.

(b) Yes, Sir. To assess the progress made and to accelerate and increase production of goods ordinarily imported from abroad.

Delhi State Electricity Board

***832. Ch. Raghubir Singh:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that the Delhi State Electricity Board has formulated a scheme to electrify the rural areas; and

(b) if so, what would be the cost and how much time would it take?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The Delhi State Electricity Board have no separate scheme for electrifying rural areas; but their extension schemes do provide for electrification of small suburban townships to the extent possible. The Board published on 21st February 1954 a scheme for the electrification of certain small townships and the villages situated in their neighbourhood with a population of less than 10,000 in each case.

(b) The estimated cost of the scheme referred to in part (a) is Rs. 12·96 lacs; it will take about 18 months for completion.

Integrated Publicity Programme

***836. Shri Bahadur Singh:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the amount spent during 1953-54 under the integrated publicity programme of the First Five Year Plan; and

(b) whether any amount has been spent for making documentary films

on the development plans and river valley projects?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The amount spent during 1953-54 was about Rs. 12 lakhs.

(b) Yes. An amount of about Rs. 2,30,000 has been spent during the same year in making documentary films covering the entire field of Five Year Plan including development plans and the river valley projects

RADIO STATION IN CUTTACK

*838. **Shri S. C. Samanta:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that a high power Radio Station is proposed to be set up in Cuttack;

(b) if so, when the construction of the Station is expected to commence; and

(c) what would be the cost of its construction?

The Minister of Information and Broadcasting (Dr. Keskar): (a) It is proposed to instal a 10 K.W. medium wave transmitter at Cuttack.

(b) The installation of the transmitter is expected to commence during the year 1955-56.

(c) The estimated cost of the installation of the transmitter is Rs. 8 lakhs.

RELIEF WORK IN SCARCITY AREAS

*840. **Shri Ajit Singh:** Will the Minister of **Planning** be pleased to state:

(a) which are the particularly chronic scarcity areas where immediate relief works and other measures are needed, because of their low purchasing power and repeated interruption of economic activity; and

(b) what effective measures have so far been taken in these areas?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Chronic scarcity areas where relief works have to be started because of inadequate rainfall and low purchasing power are located in Bombay (Bijapur, Sholapur and Ahmednagar Districts), Andhra (Anantpur, Cuddapah and Chittur Districts), Mysore (Kolar, Tumkur, Chittaldrug and Bellary Districts) and Madras (North Arcot, Salem, Shingalpot and Coimbatore Districts). Parts of Hyderabad, Madhya Bharat and Rajasthan also experience scarcity conditions. This year no relief works have been started in these areas as the rainfall conditions have not been so unfavourable as last year.

Economic activity is also interrupted, by and large, on account of severe floods resulting in scarcity and low purchasing power in pockets of North Bihar, Eastern U.P., Assam and West Bengal. These conditions have prevailed in greater intensity and duration in these areas this year.

(b) The Government of India have, therefore, agreed to meet 50 per cent. of the expenditure on gratuitous relief and rehabilitation, repair of roads, construction of houses etc. in these areas. The amounts agreed to for these States are as under:—

	Loan	Grant
		(Rs. in lakhs)
Assam	62·52	6·75
Bihar	..	171·25
Uttar Pradesh	..	2·50
West Bengal	57·5	5·00

A number of schemes were also included in the plan at the end of the year 1953 for permanent improvement in these areas. A list of these schemes was given as Appendix II of the statement laid on the table of the House in reply to part (b) of Question No. 608, answered on 4th March, 1954, and may kindly be referred to.

TEXTILE ENQUIRY COMMITTEE

*841. **Shri Kelappan:**
Shri Balakrishnan:
Shri Ganpati Ram:
Shri K. Subrahmanyam:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Textile Enquiry Committee has submitted its report; and

(b) if not, how long it will take to present it?

The Minister of Commerce and Industry (Shri T. T Krishnamachari): (a) and (b). The Committee is expected to submit its report before the end of this month.

LOCAL DEVELOPMENT WORKS PROGRAMME

*845. **Shri Viswanatha Reddy:** Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that direct assistance by the Planning Commission to the local development works programme has been stopped; and

(b) if so, the reasons therefor?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The entire budgeted provisions for local development works for 1954-55 amounting to Rs. 6 crores has been allocated to the State Governments without retaining any reserve with the Centre on the basis that sponsors of local development works should take the fullest possible advantage of financial provisions for the local development works programme operated by the State Governments from the Central allocations. Central assistance may however be considered for any schemes which, for special reasons, may be sent direct to the Central Government particularly those sponsored by all India bodies like the Bharat Sevak Samaj etc.

FIVE YEAR PLAN

*846. **Shri C. R. Chowdary:** Will the Minister of **Planning** be pleased to state:

(a) whether any ceiling as to cost of an irrigation project to be placed in the Second Five Year Plan has been fixed; and

(b) if so, whether this principle of ceiling will be made applicable to new projects mentioned in the First Five Year Plan?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) No, Sir.

(b) Does not arise.

BORDER INCIDENTS

*857. **Shri M. Islamuddin:** Will the **Prime Minister** be pleased to refer to the reply given to starred question No. 2045 asked on the 26th April, 1954 and state:

(a) whether the Government of Pakistan have punished the culprits and paid compensation to the heirs of the Indian National who was killed by the Pakistani Policemen; and

(b) if not, the reasons therefor?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) and (b). The Government of Pakistan have suggested that the incident may be jointly enquired into by a representative each of the Governments of India and Pakistan. The suggestion has been accepted and the joint enquiry is likely to take place shortly. Apparently, the question of punishing the Pakistani Policemen and of paying compensation to the heirs of the victim will be considered by the Pakistan Government after the prooosed joint enquiry.

हलका संगीत

*८६३. **श्री नवल प्रभाकर** : क्या **सूचना तथा प्रसारण** मंत्री यह बताने की कृपा करेंगे कि :

(क) आकाशवाणी द्वारा इस वर्ष में प्रसारित हलके संगीत के कार्यक्रमों की संख्या गत वर्ष की संख्या की तुलना में कैसी है; और

(ख) सार्वजनिक मांग के उत्तर में प्रसारित हलके संगीत के कार्यक्रमों की संख्या कितनी है ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The number of programmes of light music broadcast from A.I.R. during the year 1953 was 73,718 and that during the half year ending 30th June 1954 is 39,085.

(b) The number of programmes of light music broadcast in response to popular demand during the year 1953 was 4187 and that during the half year ending 30th June 1954 is 2248.

पूर्वी बंगाल के विस्थापित व्यक्ति

*८६४. **श्री भागवत झा आजाद** : क्या **पुनर्वास** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने जून तथा जुलाई १९५४ में पूर्वी बंगाल के विस्थापित व्यक्तियों के पुनर्वास के लिये बिहार राज्य को कुछ ऋण या अनुदान दिया है;

(ख) यदि दिया है, तो कितना; और

(ग) यह राशि किन मदों पर व्यय की जायेगी ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) to (c). During the month of June 1954 a loan of Rs. 9·00 lakhs was sanctioned to the Government of Bihar for advancing further loans to displaced persons for building houses, for the purchase of agricultural implements etc. and for starting business. No funds were, however, sanctioned to the State Government for the month of July, 1954.

COURSES OF STUDY ON ATOMIC ENERGY

*865. **Shri Tushar Chatterjea**: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Government are considering a scheme for introducing special courses of study on Atomic Energy in the Universities of India;

(b) if so, whether the scheme has been finalised; and

(c) the names of the Universities where the said scheme will be introduced?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a). No, Sir.

(b) and (c). Do not arise.

CO-OPERATIVE AGREEMENT WITH JAPAN

*866. **Shri Raghunath Singh**: Will the **Prime Minister** be pleased to state whether it is a fact that the question of signing a Technical Co-operation Agreement with Japan for the exchange of technicians and students is under consideration?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): A Technical Co-operation Agreement between India and Japan is under consideration. Details have not yet been finally worked out.

INDO-CHINA

*867. **Shri Ajit Singh**: Will the **Prime Minister** be pleased to state:

(a) whether all the expenses to be incurred on account of our commitments in the International Supervisory Commission for Indo-China are to be borne by Indian Government;

(b) if so, the anticipated total expenditure; and

(c) whether the Army personnel proceeding to Indo-China will be paid on Field Service scales of pay and other benefits of field service granted to them?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Each member Government has agreed to bear only the pay and allowances of their national delegations, while all other expenses of the national delegations such as board, lodging, transportation etc. and all the expenses of

the International Secretariat and the Common Services will be a charge on the Common Pool which will be financed by the main Geneva Conference members and/or the parties concerned.

(b) The figure of total expenditure expected to be incurred cannot be furnished at this stage, as detailed information is not yet available.

(c) Yes.

TRADE BETWEEN INDIA AND INDONESIA

*868. **Shri C. R. Chowdary:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what are the factors responsible for hampering the growth of trade between India and Indonesia; and

(b) what steps have been taken to overcome these factors and to facilitate the growth of trade with Indonesia in future?

The Minister of Commerce (Shri Karmarkar): (a) and (b). A statement giving figures of India's trade with Indonesia during 1952-53, 1953-54 and the first three months of 1954-55 is placed on the Table of the House. [*See* Appendix V, annexure No. 13.] The total trade between India and Indonesia was greater in 1953-54 than in 1952-53. This year too, the trade is proceeding satisfactorily. There are, therefore, no special factors standing in the way of the growth of trade between India and Indonesia.

BARRELS AND DRUMS INDUSTRY

*869. **Shri H. N. Mukerjee:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the indigenous industry engaged in manufacturing barrels and drums is working below its installed capacity; and

(b) if so, the reasons why a new and powerful foreign competitor has been allowed to set up a new factory?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) It might be said that some unit in this industry is not utilising fully its effective capacity.

(b) I am not aware of any new foreign-owned factory having been sanctioned in the recent past.

KOREAN PRISONERS OF WAR

*870. **Shri S. N. Das:**
Dr. Ram Subhag Singh:
Th. Lakshman Singh Charak:
Ch. Raghubir Singh:
Shri Nageshwar Prasad Sinha:

Will the **Prime Minister** be pleased to state:

(a) whether the cases of 88 Korean prisoners of war who had expressed a desire to go to neutral countries and who were brought to India have been finally settled;

(b) if so, what is the final decision; and

(c) where they are at present and what they are doing?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (c). Out of the 88 ex-prisoners of war from Korea, 53 have opted for Mexico, 1 for South Korea, 33 for India and 1 for China. The last one has already been repatriated. In regard to those who opted for Mexico, the Secretary General of the United Nations Organisation is still awaiting decision of the Mexican Government. Pending their repatriation, 52 of these ex-prisoners are at present in a Camp at Chakrata and one is being treated for T.B. in a Hospital at Aundh. The decision of the Secretary General is also awaited in respect of the one who has opted for South Korea. For the present he is being kept in Delhi. The remaining 33 who have opted for India are receiving training at the various Training Establishments of the Defence and Rehabilitation Ministries.

INDIAN FOREIGN SERVICE

*871. **Shri Krishnacharya Joshi:**
Shri K. C. Sodhia:

Will the **Prime Minister** be pleased to state:

(a) whether the issues connected with the setting up of the Indian Foreign Service Cadre (B), have been finalised; and

(b) if so, when it will be formed?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) No.

(b) According to present plans, it is expected that the Service will be formed by the end of the year.

TRADE DELEGATION TO MOSCOW

*872 **Shrimati Tarkeshwari Sinha:**
Shri Ganpati Ram:
Shri Shivananjappa:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government are sending a trade delegation to Moscow to study prospects of Russian capital goods being made available to India and also to explore new avenues for the export of Indian goods to that country; and

(b) whether similar delegations would also be sent to other East European countries to improve trade relations between India and those countries?

The Minister of Commerce (Shri Karmarkar): (a) A delegation of industrialists and agricultural experts has been sent to the U.S.S.R. and Poland to study the developments in industry and agriculture in those countries, at the invitation of those Governments.

(b) Government have no such proposal at present.

SHIP PRICES

*873. **Shri Raghunath Singh:** Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that the ships built at Visakhapatnam shipyard are offered to Indian shipping companies at prices based on United Kingdom parity price;

(b) whether it is also a fact that Indian ships are unable to compete with the ships built in Japan and Germany; and

(c) whether Government contemplate to change their policy of fixing the prices based on U. K. parity price?

The Minister of Production (Shri K. C. Reddy): (a) Yes.

(b) This part of the question is not quite clear. It is assumed, however, that the information sought relates to the selling prices of ships built in India compared to the prices at which ships built in Japan and Germany are available. Indian shipping companies have been able to place contracts for the building of ships in Germany at a price lower than the price of Indian built ships. Government have no definite information regarding Japan. In any case, there are no reasons to believe that ships built in Japan or Germany are always cheaper than similar ships built in the U.K. the prices of which are fixed on parity basis for similar ships built in India.

If, however, the question relates to the costs of operation of the respective ships then the answer is "No".

(c) No.

ALL-INDIA HANDICRAFTS BOARD

*874. **Shri K. P. Sinha:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that All-India Handicrafts Board has recommended to Government the establishment of an expert organisation to handle the handicraft business;

(b) when this recommendation was made;

(c) the steps that have been taken by Government in this direction;

(d) whether it is a fact that the quality of handicrafts products is go-

ing down rapidly because of their production and sale being in the hands of private traders; and

(e) the total value of cottage industries products exported to foreign markets specially to America in the year 1953-54?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) The scheme as finally revised by the Board at its Ranchi Conference was received in July, this year.

(c) The question is being examined.

(d) No particular complaints have been received.

(e) The information is being collected and will be laid on the Table of the House.

SATYAGRAHIS

*875. **Shri Bhagwat Jha Azad:**
Shri M. S. Gurupadaswamy:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that some of the Satyagrahis have been beaten to death by the Goa Police;

(b) if so, the names of such Satyagrahis; and

(c) the action that has been taken by Government in the matter?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (c). No. The allegation of such deaths is not borne out by the information available with Government.

PHARMACEUTICAL INDUSTRY

404. **Shri V. P. Nayar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of organised manufacturing units of production in the Pharmaceutical Industry of India;

(b) the capital invested in them;

(c) the share of foreign capital in the investment; and

(d) the estimated value of production of pharmaceutical products in the year 1953-54?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) There are 63 organised manufactures of pharmaceuticals and drugs in India.

(b) to (d). Precise information is not available.

GALENICALS

405. **Shri V. P. Nayar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the estimated requirement of Galenicals in the Industry in India at present;

(b) the number of units manufacturing galenicals in India at present and how many of them are foreign owned or controlled by foreign capital;

(c) the estimated quantity of rectified spirit required for the manufacture of galenicals and how much of this spirit is indigenously produced and how much is imported;

(d) whether Government have investigated the chances of developing an export market for Indian made galenicals; and

(e) if so, with what results?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Approximately 700,000 gallons.

(b) 54 firms are engaged in the manufacture of galenicals. Of these, 6 are foreign controlled.

(c) Approximately 500,000 gallons—all from local production.

(d) No, Sir.

(e) Does not arise.

PROPRIETORY MEDICINES

406. **Shri V. P. Nayar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the estimated value of proprietory medicines consumed in India during 1953-54;

(b) the percentage of the consumption met by indigenous production; and

(c) the value of proprietory medicines manufactured in India by firms controlled by foreign capital?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Precise estimates are not available.

(c) Information is not available.

MANUFACTURE OF TABLETS

407. Shri V. P. Nayar: Will the Minister of Commerce and Industry be pleased to state:

(a) the installed capacity of the Pharmaceutical Industry in India, for the making of tablets;

(b) whether it is a fact that this capacity is not being fully utilised for production;

(c) if so, what are the reasons; and

(d) the steps, if any, taken by Government for stepping up Indian production and the full utilisation of the installed capacity in respect of this item?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) About 4,000 million tablets per annum.

(b) Yes, Sir.

(c) No specific reason can be assigned. Ordinarily the producers purchase machines with capacity for tabletting in excess of their needs in the hope of increased business at some future date.

(d) The waste of national wealth by reason of the existence of unused capacity for tabletting is negligible and Government do not feel called upon to take steps for stepping up the production of this type of drugs and medicines.

RUBBER PLANTS

408. Shri A. K. Gopalan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Indian Rubber Board has recommended to Government that in place of old Rubber Plants new ones should be planted in certain areas; and

(b) if so, the action taken or proposed to be taken by Government to implement this recommendation?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). The Government of India have agreed in principle to the Rubber Development Scheme which provides for the replanting of old rubber plants and are awaiting the passage of the Rubber Amendment Bill, which is now before the House, since the necessary funds for implementing the scheme could be found only from the increased cess proposed in the Bill.

CHAMBAL PROJECT

409. Shri Karni Singhji: Will the Minister of Irrigation and Power be pleased to state:

(a) whether the work on the Chambal Dam Project in Rajasthan has since been started; and

(b) if so, the amount of expenditure proposed to be met by the Central Government in respect of the Project during the year 1954-55?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The Chambal Project envisages construction in Rajasthan of:

(i) a dam called Ranapratap Sagar Dam; and

(ii) a barrage called Kotah Barrage Work on the Ranapratap Sagar Dam has not yet been started, but that on Kotah Barrage is in progress.

(b) No decision has yet been taken as to the method of financing the project.

NAGPUR STATION OF A.I.R.

410. Shri N. A. Borkar: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of programmes broadcast by the Nagpur Station of the All India Radio for villagers specially during 1953-54; and

(b) the number of villagers trained for broadcasting such programmes?

The Minister of Information and Broadcasting (Dr. Keskar): (a) All India Radio, Nagpur, broadcasts daily rural programmes from 1900 to 1930 hrs. in Hindi and 19·30 to 20·00 hrs. in Marathi.

(b) All India Radio does not train villagers for broadcasting rural programmes, but artistes from rural areas are engaged as far as possible. During 1953-54, 1,280 artistes were booked for the rural programmes from Nagpur; of these 770 were villagers.

दिल्ली में हुई अखिल भारतीय प्रदर्शनी

४११. **सेठ गोविन्द दास:** क्या **वाणिज्य तथा उद्योग** मंत्री यह बताने की कृपा करेंगे।

(क) १९५३-५४ में दिल्ली में हुई अखिल भारतीय प्रदर्शनियों की कुल संख्या कितनी है;

(ख) इन प्रदर्शनियों के लिये सरकार ने कुल कितनी वित्तीय सहायता दी;

(ग) उन पर कुल कितना व्यय हुआ; और

(घ) बेचे गये टिकटों से कितनी आय हुई ?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (d). The information is being collected and will be laid on the Table of the House.

PURCHASE OF VILLAGE INDUSTRIES PRODUCTS

412. Shri Jhulan Sinha: Will the Minister of **Works, Housing and Supply** be pleased to state the total value of the village industries products other than Khadi purchased by the Central Government during the year 1953-54, mentioning the purchases made by the Commerce and Industry Ministry side by side with those made by the other departments?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): Value of such purchases by Directorate General, Supplies and Disposals for all Government Departments is Rs. 132·45 lakhs.

This does not include purchases made by the indenting Ministries including the Commerce and Industry Ministry under their own powers, which extend to Rs. 2,000 at any one time.

NATIONAL PLAN LOAN

413. Shri Bibhuti Mishra: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the nature of publicity carried on so far to popularise 'National Plan Loan';

(b) whether any specific publicity is being done in rural areas; and

(c) the results achieved thereby?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Publicity to popularise the Loan has been done through:

1. Display advertisements in newspapers and periodicals.

2. Display advertisement through bus hoardings and cinema slides.

3. Press releases.

4. Articles and photograps in news papers and journals.

5. Newsreels and documentary films in regional languages, besides English and Hindi.

6. Radio broadcasts of news items, talks, discussions, dialogues, symposia, plays, features, sketches etc. in different regional languages.

7. The Mobile Publicity Vans and the Field Staff of Integrated Publicity

Programme Organisation who showed films, held meetings and distributed publicity material in towns and villages.

8. Leading Bankers.

9. Display advertisements through posters and folders. Steps were taken to distribute the publicity material as widely as possible. In addition to the State Directors of Information and Regional Savings Officers, copies of the Posters and Folders were supplied to all the Post Offices and sub-Post Offices, to the branches of the Reserve Bank and also branches of other scheduled and non-scheduled banks, and Treasuries and sub-Treasuries. Posters were also put up on various railway station poster-boards and full use was made of the Field Publicity Organisations of the State Departments of Information for giving wide publicity to the Loan.

During the concluding fortnight of the Loan, special publicity effort was made by

(i) release of special articles,

(ii) issue of reminder advertisements,

(iii) special broadcasts and reminder announcements also in News Broadcasts,

(iv) requests have been made to the Advertisers Society of India and the film producers to add a slogan on the National Plan Loan during this period. Film Producers have taken action,

(v) Editors of a large number of newspapers have accepted the request to put a slogan in box in their papers.

(b) Yes, specific publicity has been done in rural areas through:

1. Radio broadcasts to rural areas in all the regional languages in different items.

2. The Mobile Publicity Vans and Field Staff of the Integrated Publicity Programme Organisation by showing films, distributing posters and folders and holding meetings in rural areas.

3. Distribution of publicity material through the officers and staff employed on the Community Development and National Extension Service Schemes.

4. The Field Staff of the National Savings Organisation under the Ministry of Finance.

(c) The response from the rural areas has been quite encouraging.

SEWING MACHINES

414. Shri Ajit Singh: Will the Minister of **Commerce and Industry** be pleased to state the names of the countries to which Indian-made sewing machines were exported during 1953?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The export of Sewing machines is recorded separately in the Customs Export Trade Returns only from April 1953. Information for the earlier period is, therefore, not available. The names of the countries to which these machines were exported from April 1953 are indicated in the statement attached. [*See* Appendix V, annexure No. 14.]

QUALITY CONTROL MACHINERY FOR BICYCLES

415. **Shrimati Tarkeshwari Sinha:**
Pandit D. N. Tiwary:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether complaints regarding the unsatisfactory quality of bicycles manufactured in India have been received by Government from foreign countries who import Indian bicycles; and

(b) whether in view of this, Government propose to establish a Governmental quality control machinery for bicycles?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) There have been a few isolated complaints.

(b) Government do not contemplate imposition of any compulsory quality control at present. The complaint was brought to the notice of the manufacturers who are taking steps to remedy the defects. The I.S.I. is, also working on establishing standards.

REFRIGERATORS

416. Shri Tulsidas: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of manufacturers of refrigerators in India as also their capacity and actual production during 1953-54; and

(b) the steps Government propose to take to increase the manufacture of these items in the country?

The Minister of of Commerce and Industry (Shri T. T. Krishnamachari): (a) There are at present two firms engaged in the progressive manufacture of refrigerators in the country. They are Messrs Sur Industries Ltd., Calcutta and Messrs Kalinga Refrigerators Corporation, Limited, Cuttack. Their combined installed capacity is 3,600 refrigerators per annum and their production during 1953-54 was about 1,000.

(b) The Refrigerator Industry has been left to the private sector for development. No proposals have been received for increasing the output of refrigerators in the country. If and when such proposals are received they will be considered on merits.

MANGANESE ORE (QUOTA FOR EXPORT)

417. Shri Shivananjappa: Will the Minister of **Commerce and Industry** be pleased to state the quota of exports of Manganese ore allotted for the harbours of (i) Calcutta, (ii) Madras and (iii) Bombay for the period from 1948 to the end of April, 1954?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Prior to 16th October, 1953, exports of Manganese ore were licensed freely for shipment from all ports. Even now exports through Bombay port continue to be licensed freely. With effect from 16th October, 1953, however, exports through the port of Calcutta are being regulated having regard to the railways' capacity to move the ore to the ports. Exports from Madras are licensed freely for consignments offered for loading at the broad gauge stations. Movement for exports over the metre gauge sections is being regulated on the basis of railways carrying capacity, since the beginning of this year. A statement showing the allotments made for export of manganese ore since October, 1953, is attached. [*See* Appendix V, annexure No. 15.]

IRON

418. Pandit D. N. Tiwary: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Ni-Hard iron is produced in India;

(b) if so, the quantity produced annually; and

(c) the purpose for which it is used?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) 129 tons in 1948 and 389 tons in 1953-54.

(c) For making wear-resisting components of machinery in cement, coal, coke mining, dredging and paint industries.

OFFICE OF THE INDIAN TRADE COMMISSIONER IN LONDON

419. Shri Gidwani: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total number of employees in the office of the Indian Trade Commissioner in London; and

(b) the total amount of Salary and House Rent Allowance respectively paid to them annually?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The total number of employees in the Commerce Department of the High Commission of India in the U.K., London, is 65.

(b) The expenditure on their salary and House Rent Allowance was Rs. 6,31,300 and Rs. 35,500 respectively, for the year 1953-54.

WORK CHARGED STAFF OF C.P.W.D.

420. Dr. Rama Rao: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that Government agreed in 1946 to the demand of Central Public Works Department Workers' Union, New Delhi to confirm as many work-charged staff as required for the efficient maintenance of permanent works;

(b) whether the staff required for maintenance of permanent works has been confirmed; and

(c) if so, the number of employees who have been confirmed?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The undertaking was that as many employees as Government considered essential for the efficient maintenance of permanent works would be confirmed.

(b) and (c). 1,529 permanent posts were sanctioned in 1947 but only 1,249 persons could be confirmed as the rest were found to be ineligible for confirmation on verification of their service, medical examination etc. Another 1,000 permanent posts were sanctioned in 1953 and confirmation against all the remaining 1,280 posts would be made as soon as the service, etc., of all the existing staff has been verified.

AIRPORTS

421. Dr. Rama Rao: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the number of airports which are maintained by the Central Public Works Department;

(b) the number of airports out of them where the workcharged staff required for maintenance have been provided with accommodation; and

(c) the total number of quarters provided at each of these airports?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) 84.

(b) 37.

(c) A statement is laid on the Table of the Lok Sabha. *See* Appendix V, annexure No. 16.]

POLITICAL OFFICERS IN N.E.F.A.

422. Shri Rishang Keishing: Will the **Prime Minister** be pleased to refer to starred question No. 180 answered on the 19th February, 1954 and state:

(a) the number of the Old Political Officers and Assistant Political Officers who were not selected in the last interview held in New Delhi by the Ministry of External Affairs; and

(b) the Departments and the posts in which they have been re-employed?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) Three.

(b) Two were reverted to their substantive posts in the Assam Government and the services of the third were terminated.

LICENCES BY TEA BOARD

423. Shri K. C. Sodhia: Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of licences issued so far by the Tea Board to (i) manufacturers (ii) brokers; and (iii) dealers in tea waste; and

(b) the number of cases in which the orders of the Board have been modified on appeal so far?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Nil.

(b) Does not arise.

MANGANESE ORE (ABOLITION OF EXPORT DUTY)

424. Shri C. R. Chowdary: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the estimated loss of revenue due to the abolition of Export Duty on manganese ore; and

(b) whether any restriction has been imposed on the quantity to be mined and to be exported?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) It is impossible to estimate the loss of revenue. Current shipments are made against old contracts and no fresh business seemed possible with an export duty of 15 per cent. *ad valorem.*

(b) There is no restriction on mining. Export of high grade ore (45% M Content) is permitted upto 1 million tons a year, including 12,000 tons of battery grade ore. Export of lowgrade ore is allowed freely.

SINGARENI COLLIERIES

425. Shri T. B. Vittal Rao: Will the Minister of **Production** be pleased to state:

(a) the total quantity of iron and steel indented by the Singareni Collieries for the construction of quarters commencing from 1st January and 1st April, 1954;

(b) the quantity actually allocated; and

(c) whether Government propose to increase the quota in view of the fact that a new mine has been opened on the 15th August, 1954?

The Minister of Production (Shri K. C. Reddy): (a) and (b). The quantity of iron and steel indented by the Singareni Collieries for the construction of quarters during the first 2 quarters of 1954 is not available separately. According to the information furnished by the Iron and Steel Controller, the quantities indented for construction of labour quarters at Kothagudium Colliery (one of the collieries in the Singareni group) during the two periods in question and the quantity actually allotted are given below:—

	Quantity indented	Quantity allotted
Period I—January to March, 1954.	11 tons	7 tons
Period II—April to June, 1954.	11 tons	11 tons

Information is being collected regarding the quantity indented for the construction of other types of quarters, or of workers quarters at any of the other Singareni group of mines, and will be laid on the Table of the Lok Sabha in due course.

(c) This will be considered on receipt of a proper indent from the Collieries.

VASTRA SWAVALAMBAN

426. Th. Jugal Kishore Sinha: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of Khadi workers who have been trained so far under *Vastra Swavalamban* Scheme; and

(b) the manner in which their services are being utilised?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The *Vastra Swavalamban* Scheme does not envisage any training.

(b) Does not arise.

FOREIGN FILM PRODUCERS

427. Shri S. N. Das: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether any foreign film producers have sought the permission of Government to start film producing establishments in this country either independently or in collaboration with Indian film producers;

(b) if so, their number; and

(c) whether Government have laid down any policy in this respect?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No, Sir.

(b) Does not arise;

(c) No occasion for laying down any policy in this respect has arisen.

KHADI

428. Shri Ram Dass: Will the Minister of **Works, Housing and Supply** be pleased to state the consumption of Khadi by Government departments in 1951-52, and 1952-53?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): The consumption of Khadi by Government departments during 1951-52 and 1952-53 was as follows:

1951-52	39,320 yds.
1952-53	7,730 yds.

FISHERMEN OF KARWAR

429. Shri Bhagwat Jha Azad: Will the **Prime Minister** be pleased to state:

(a) whether six fishermen of Karwar were arrested by the Portuguese military forces stationed at Anjediv island on Saturday, the 21st August, 1954;

(b) the number of days for which they were detained; and

(c) whether it is a fact that they were imprisoned in separate cells and tortured?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) and (b). Six fishermen flishing off Binage Island were detained on the 20th August and released on the 25th August 1954.

(c) Government have no information.

LOK SABHA

DEBATES

(Part II— Proceedings other than Questions and Answers)

VOLUME VII, 1954

(13th to 30th September, 1954)

Seventh Session
1954

LOK SABHA SECRETARIAT

NEW DELHI

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Monday, 13th September, 1954

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part* I)

12 NOON.

BUSINESS OF THE HOUSE

Shri H. N. Mukerjee (Calcutta North-East): May I rise a point of order relating to the agenda which has been supplied to us? I find that the Secretary has circulated to us, presumably under your instructions a supplementary list of business dated September 13, in which are included two items: (1) further consideration of the motion made by Shri Nanda on Saturday on the flood situation and (2) submission to the vote of the House of the motion moved by Shri T. T. Krishnamachari regarding the third amendment of the Constitution.

I find under rules 38 and 39 of the Rules of Procedure and Conduct of Business in the House of the People that outstanding matters have to be disposed of according to certain routine which, I fear, has been altered without the knowledge and consent of the House.

Rule 38 reads thus: "At the appointed hour in accordance with the Allocation of Time Order, for the completion of a particular stage of a Bill, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill". Rule 39 reads: "No variation in the Allocation of Time Order shall be made except on the request of the Leader of the House who shall notify orally to the House that there was general agreement for such variation, which shall be enforced by the Speaker after taking the sense of the House".

We had got an announcement in the Parliamentary Bulletin announcing the allocation of time table for the discussion of the flood situation and this was dated the 10th of September and the debate on the flood situation was allotted a time schedule of four hours. The flood debate started at 2 o'clock or perhaps one or two minutes earlier and at 6 o'clock that debate necessarily concluded. If it did not conclude, and if it was not intended to conclude that debate, I submit it was necessary for procedure and propriety that the Leader of the House should have made a request to you and should have notified, according to rule 39, orally to the House that there was general agreement for variation in the time table and after that the Chair ought to have taken the sense of the House. Nothing of the sort was done.

For instance, in regard to item No. 2 in the legislative business, namely, the Constitution (Third Amendment) Bill, you had stated—I am quoting from page 4411 of the uncorrected debates of the 11th of September—"that the discussion as settled by the Business Advisory Committee, will continue up to 1-55 p.m. Referring to the convention which I stated the other day, it being interval for lunch.

[Shri H. N. Mukerjee]

we shall not have voting at that time. Voting will have to be by a division in the lobbies. The voting will take place after the flood debate is over..." That is Sir, what you have stated.

After some time the Chairman, Shri Pataskar, had also repeated that he would take the vote on this Bill at 6 P.M. But when 6 P.M. came it appeared that the Minister for Irrigation and Power, almost in his wonted fashion, failed to complete his reply to the discussion and the result was that the flood debate was continued by a process for which I find no warrant. Under the rules of Procedure, I see the House can extend the time for the flood debate but the House was not at all asked to do so The Leader of the House made no request; he did not make any statement to the Chair regarding the preliminary agreement among different parties regarding the extension. The matter was not put before the House as to whether or not there should be an extension of the flood debate. I, therefore, take it that discussion on the flood situation was talked out; I take it also that discussion on the Constitution (Third Amendment) Bill was talked out. I submit that in law, logic and in common sense, it is only necessary that when a debate has concluded, if a voting is intended to take place, it should take place at once; otherwise, extraneous circumstances and influences are likely to be brought to bear upon the mind of the hon. Members. The purpose of the debate is that on the conclusion of the debate when the arguments are more or less fresh in the minds of the hon. Members, they would be allowed to exercise their votes whichever way they like. I submit that the discussion both of the Constitution (Third Amendment) Bill and of the flood situation have been talked out and that it is completely out of order to include in the agenda these two items, namely: further consideration of Mr. Nanda's motion and submission to the vote of the House Shri Krishnamachari's Bill on the amendment of the Constitution.

Mr. Speaker: I have heard the hon. Member and I will come to his points when the particular business is going to be taken up. Before that I will dispose of certain business which has come in the agenda in priority.

MOTION FOR ADJOURNMENT

FIRING OF TEAR-GAS SHELLS IN CALCUTTA ON ANTI-COW SLAUGHTER DEMONSTRATORS

Mr. Speaker: I have received notice of an adjournment motion by Shri Nand Lal Sharma and Shri N. C. Chatterjee on "the indiscriminate *lathi* charge and firing of tear-gas shells on the non-violent anti-cow slaughter demonstrators by the Police at Calcutta on the 10th of September, 1954, resulting in the death of one person and injury to several others and arrest of large number of prominent citizens of India". I have told this House over and over again that matters which are entirely within the jurisdiction of the State Government cannot be the subject matter of any adjournment motion here. I fail to see as to how this adjournment motion can be talked or discussed in this House. This House has no jurisdiction over the law and order position in West Bengal and obviously I cannot consent to this adjournment motion.

Shri Nand Lal Sharma (Sikar) *rose*—

Mr. Speaker: It requires no argument; that is final.....

Shri Nand Lal Sharma: The same thing is going on in Delhi and Bombay.

Mr. Speaker: The motion does not make any reference to Delhi or Bombay. Even if it is Delhi or Bombay—I cannot say anything about Delhi—I may point out that Bombay too is a State .....

Shri Nand Lal Sharma: It is being repeated.....

Mr. Speaker: I cannot give my consent to this.

PAPERS LAID ON THE TABLE

REPORTS OF TARIFF COMMISSION ON CERTAIN INDUSTRIES

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to lay on the Table a copy each of the following papers, under sub-section (2) of section 16 of the Tariff Commission Act, 1951, namely:—

(1) Report of the Tariff Commission on the continuance of protection to the Electric Brass Lamp Holders Industry, 1954. [*Placed in Library. See* No. S-317/54.]

(2) Ministry of Commerce and Industry Resolution No. 48(1)-T.B./54, dated the 3rd September, 1954. [*Placed in Library. See* No S-317/54.]

(3) Report of the Tariff Commission on the continuance of protection to the Preserved Fruits Industry, 1954. [*Placed in Library. See* No. S-318/54.]

(4) Ministry of Commerce and Industry Resolution No. 13(3)-T.B./53, dated the 31st August, 1954. [*Placed in Library. See* No. S-318/54.]

(5) Ministry of Commerce and Industry notification No. 13(3) T.B./53, dated the 31st August, 1954. [*Placed in Library. See* No. S-318/54.]

(6) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why a copy each of the documents referred to at (3) to (5) above could not be laid within the prescribed period. [*Placed in Library. See* No. S-318/54.]

(7) Report of the Tariff Commission on the continuance of protection to the Sheet Glass Industry, 1954. [*Placed in Library. See* No. S-319/54.]

(8) Ministry of Commerce and Industry Resolution No. 14(1)-T.B./54, dated the 4th September, 1954. [*Placed in Library. See* No. S-319/54.]

(9) Ministry of Commerce and Industry notification No. 14(1)-T.B./54, dated the 4th September, 1954. [*Placed in Library. See* No. S-319/54.]

(10) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why a copy each of the documents referred to at (7) to (9) above could not be laid within the prescribed period. [*Placed in Library. See* No. S-319/54.]

(11) Report of the Tariff Commission on the continuance of protection to the Bicycle Industry, 1954. [*Placed in Library. See* No. S-320/54.]

(12) Ministry of Commerce and Industry Resolution No. 7(1)-T.B./54, dated the 6th September, 1954. [*Placed in Library. See* No. S-320/54.]

(13) Ministry of Commerce and Industry notification No. 7(1)-T.B./54, dated the 6th September, 1954. [*Placed in Library. See* No. S-320/54.]

(14) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why a copy each of the documents referred to at (11) to (13) above could not be laid within the prescribed period. [*Placed in Library. See* No. S-320/54.]

(15) Report of the Tariff Commission on the continuance of protection to the Antimony Industry, 1954. [*Placed in Library. See* No. S-321/54.]

(16) Ministry of Commerce and Industry Resolution No. 4(1)-T.B./54, dated the 4th September,

[Shri T. T. Krishnamachari]

1954. [*Placed in Library. See* No. S-321/54.]

(17) Ministry of Commerce and Industry notification No. 4(1)-T.B./54, dated the 4th September, 1954. [*Placed in Library. See* No. S-321/54.]

(18) Report of the Tariff Commission on the continuance of protection to the Cotton and Hair Belting Industry, 1954. [*Placed in Library. See* No. S-322/54.]

(19) Ministry of Commerce and Industry Resolution No. 6(1)-T.B./54, dated the 7th September, 1954. [*Placed in Library. See* No. S-322/54.]

(20) Ministry of Commerce and Industry notification No. 6(1)-T.B./54, dated the 7th September, 1954. [*Placed in Library. See* No. S-322/54.]

(21) Report of the Tariff Commission on the continuance of protection to the Cocoa Powder and Chocolate Industry, 1954. [*Placed in Library. See* No. S-323/54.]

(22) Ministry of Commerce and Industry Resolution No. 12(3)-T.B./54, dated the 7th September, 1954. [*Placed in Library. See* No. S-323/54.]

(23) Ministry of Commerce and Industry notification No. 12(3)-T.B./54, dated the 7th September, 1954. [*Placed in Library. See* No. S-323/54.]

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON VARIOUS ASSURANCES *etc.*

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various Sessions shown against each:—

(1) Supplementary statement No. IV. Sixth Session, 1954 of the Lok Sabha. [*See* Appendix VII, annexure No. 8.]

(2) Supplementary Statement No. IX. Fifth Session, 1953 of the Lok Sabha. [*See* Appendix VII, annexure No. 9.]

(3) Supplementary Statement No. XIV. Fourth Session, 1953 of the Lok Sabha. [*See* Appendix VII, annexure No. 10.]

(4) Supplementary Statement No. XIX. Third Session, 1953 of the Lok Sabha. [*See* Appendix VII, annexure No. 11.]

(5) Supplementary Statement No. XIX. Second Session, 1952 of the Lok Sabha. [*See* Appendix VII, annexure No. 12.]

(6) Supplementary Statement No. XX. First Session, 1952 of the Lok Sabha. [*See* Appendix VII, annexure No. 13.]

SUPPLEMENTARY DEMANDS FOR GRANTS—1954-55

The Minister of Finance (Shri C. D. Deshmukh): I beg to present a statement showing Supplementary Demands for Grants for expenditure of the Central Government (excluding Railways) for the year 1954-55.

BUSINESS OF THE HOUSE—*contd.*

Mr. Speaker: I do not think that I need to say anything very lengthy with reference to the point of order raised by the hon. Member, Shri Mukerjee. As I stated yesterday, the voting on the Constitution Amendment Bill was to take place after the flood debate was over. Ordinarily it is known that the House sits up to 5 P.M. With a view to saving time, if the House chose to sit longer, I do not see as to how it could be considered that the debate should be taken to have ended. Of course, I must admit that to some extent it is a violation of the existing order of

allocation but I think the House concurred in that, by the very fact that it consented to sit. The House was sitting and the only inference I could draw from the fact that the House was sitting was that the House either acquiesced or consented. Whatever it may be, one does not know what actually happened; I do not know. I presume hon. Members were present up to 6 o'clock and many hon. Members having been present without raising any objection to the continuance of the sitting of the House beyond 5 o'clock, I think, I am entitled to presume, absolutely in common sense, that the House has consented. The House having thus consented to the extension of the debate, I do not think how this point arises. However, it is a small matter. The real matter is, I believe, the point which was raised in this House at six o'clock on the question of voting on the Constitution Amendment Bill. That is the real point. This point of order is merely a cover to strengthen that point. That is how I look upon it. Now, if the time was over, is it expected that the House should, sit even beyond the time it was continuing to sit, continue to sit any further? It passes my comprehension how it could be insisted that the House ought to sit to any length of time just to have voting. The considerations mentioned by Shri H. N. Mukerjee may be there or may not be there. We are not concerned with that. As it was, as the House rose, I do not see any objection to the voting having been postponed.

Then, there is a difference between a motion of the type tabled on the Flood debate and a motion in respect of a Bill. The motion in respect of a Bill cannot be simply talked out. It has to be voted upon. It may be voted down or it may be voted for. But, a vote has to be taken on that. The situation with reference to the Flood debate is that, in such kinds of debates, we debate and generally we never have a voting. So, the utmost that can be said,—the point boils down to this—is that, the unfinished speech of the hon. Minister may not be continued now, if the House does not wish to hear him. I have no objection to that. Because he had already exceeded, with the concurrence of the House, the time yesterday, if he proposes today to exceed that time against the allocation order of this House, it is for this House to decide whether he shall speak or not.

Acharya Kripalani (Bhagalpur *cum* Purnea): He is no more interested.

Mr. Speaker: Whatever it may be, if the House desires that he should continue, he will continue....

Some Hon. Members: Certainly.

Mr. Speaker: ...whatever he left yesterday. If the House so desires, it is open to the House to say, let him finish. It is open to the House to say that he shall not speak any further.

Shrimati Renu Chakravartty (Basirhat): It was raised on Saturday.

Mr. Speaker: Order, order. The matter is entirely in the hands of the House. As I pointed out, the House has acted in a certain way on Saturday with excess timings, with its consent, as I am interpreting or seeing this matter....

Shrimati Renu Chakravartty: That is not correct.

Mr. Speaker: Opinions may differ on that point. The conduct of the House is clear.

Shri S. S. More (Sholapur): May I seek some clarification?

Mr. Speaker: Let me finish. So, I personally see no irregularity at all either in the House having sat beyond 5 o'clock or in the postponement of the voting on that particular Bill. In fact, I did not mention that the voting will take place at 6 o'clock. If I had said so, then, matters would have stood differently. Then, of course, there should have been a suspension of the debate for the time being and the voting taken. All that I said was—I advisedly said so not

[Mr. Speaker]

knowing the implications of what the hon. Member from the opposition says—I said, let the Flood debate be over, and then let us have voting. It meant that if the House chose to rise at five o'clock, the voting was to take place after the Flood debate for four hours was over; and if the House chose to sit longer, of course, after the Flood debate was over. It was also competent for the House to sit beyond six or seven o'clock to any length of time. But, the House did not choose. As it was, the normal working hours being over, I do not think that it would have been proper on the part of the Speaker or the Chairman to compel the House to sit against its wishes. That disposes of all the points.

Shrimati Renu Chakravartty: You said, Sir, that the voting will be taken at the end of the Flood debate. May I just point out that in the minds of almost all the Members including the Chairman Shri Pataskar, it was expected—our mind was clear—that the voting should be taken at the end of the day. This is what Shri Pataskar said:

> "Now, as already announced, the debate on this Motion for the consideration of the Bill to amend the Constitution is now concluded and I will put it to the vote at the end of the day."

The second point which you have raised is that we consented to the increasing of the hours of debate and that since we did not raise any objection, you take it that the House has consented to it. Firstly, I would like to point out that actually, the allocation of time was voted upon and it was agreed. Therefore, without any motion, I submit that we cannot extend the hours of debate.

Thirdly, I should like to point out that we did want to extend and finish this debate, Shri Nanda's speech, etc. But, without putting it to the vote of the House, the Chair gave a ruling. Therefore, I plead that it was not a correct ruling and as such there has been some irregularity in the procedure.

Shri S. S. More: May I seek.....

Mr. Speaker: It will be difficult to deal with each point if I am to deal with them at the end. That does not matter. I have sufficiently dealt with this matter.

Shri S. S. More: I want to have one clarification from you, which will be useful for our further guidance. Under rule 38, a certain report of the Business Advisory Committee was put before the House by a motion and that motion was accepted. When the House itself has accepted a motion, if it wants to very or change that particular order, in the rules that have been framed by you, in rule 39, a special procedure has been prescribed for the variation of an order. As an eminent lawyer, you know, Sir, that when a special procedure has been prescribed, the general rules are suspended and the special procedure becomes immediately applicable. Under rule 39, if any variation is to be effected, then, it has to be effected after following a certain procedure. The variations are supposed to be so important that no other person is allowed to make that submission but the Leader of the House. That shows the importance of the matter or the reluctance of the House or the rules to allow any variation on any filmsy grounds. My submission is this. We shall be coming across such situations more and more often. We are out to follow the allocation order of the verdict of the House when it has been passed by a majority. If a decision of the majority is to be undone, it should be by virtue of another motion under rule 39. Merely because the House chose to sit, it cannot be said that it waived or by its silence, amended the original allocation order. Then, it will mean that rule 39 is not an exhaustive rule, and that in addition to the variation contemplated by rule 39, there might also be a variation in the allocation order by a silence of

the House or by the House not asserting. That would be a dangerous situation to which we shall be reduced to.

Then, I would rather say that a conscious attempt was made to circumvent the rules. We know that under article 368, a certain majority is required for passing this motion and in the rules that have been framed for the guidance of the House, a two-thirds majority is contemplated for every stage. When the Government saw the difficulty in which they were likely to be placed in the matter, we were particular to raise the matter before six o'clock. With due deference to you, Sir, we would say that you did say that voting be taken after the debate on the floods was over; but what you said must be read in the context of the allocation order. The debate on the Constitution Amendment Bill terminated at 1-55. Four hours were allotted for the Flood debate. That was over by 5-55. We have tried to be vigilant according to our own lights and we raised this question before six o'clock. There was no alternative to the learned Chairman who was in the Chair to get away from the categorical application of rules 38 and 39. Of course, it was open to the Leader of the House, with the majority that he commands, to submit that the allocation order be varied. But, let there be an honest and frontal way of changing the rules or the application of the rules. Such a sort of thing should not happen. Otherwise, the rule of the majority is likely to be used to the detriment of democratic principles which should not happen in this country.

Shri Raghuramaiah (Tenali): May I say a few words, because so many Members have been heard from the other side? There seems to be some confusion in regard to the difference between a motion for discussion on the floods and a motion on the Constitution Amendment Bill. As regards the voting on the Constitution Amendment Bill it was very clear to us—I do not know how Shrimati Renu Chakravartty says that many Members thought it would be at six—to us it was very clear. You were good enough to say that it will be after the Flood debate discussion is over. And there is no question of 6 P.M. We might have continued till 7 P.M., if Members wanted time for discussion of the Flood debate. Therefore six P.M. is quite irrelevant. The material portion of it was you were good enough to say that this will be taken up after the Flood debate is over.

Now, the question has been raised whether under rule 39 any extension of the four hours could be made. On the question of extension of time I can understand the Members' opposition *now* saying "if you want to hear the hon. Minister Shri Nanda further, the Leader of the House should make a formal request and the House should agree". The scope for a formal application under rule 39 arises here and now; on Saturday there was no question of it. The House was adjourned. The Speaker, or rather the Chairman who was then in the position of the Speaker, under rule 15 determined that the House should stand adjourned.

I would request that the two things should be kept separate. Whether we should extend the time for the Flood debate is entirely a different matter for the House *now* to decide. But there can be no question of the voting having to finish on Saturday itself, in view of your very clear ruling on the matter.

Shri K. K. Basu (Diamond Harbour): This is a very important matter, as you have yourself said, and your ruling on this will have a far reaching effect on the growth of parliamentary democracy in our country. I need not request you, you have been long in the Chair either in this House or in other Chambers; if you please charge your memory, you categorically said that under the Business Advisory Committee's report, which has been adopted by the House, the

[Shri K. K. Basu]

discussion on the Constitution Amendment Bill will cease at 1-55; and, as we want to develop a convention, you said the voting will not take place then and there but will be postponed till the end of the day.

Mr. Speaker: Not till the end of the day.

Shri K. K. Basu: Till the Flood debate is over. But in your mind was the knowledge that it has been allocated, and it will go on for four hours. Therefore, if your intention had been that the voting should take place at the end of the Flood debate, the House would have sat up to 5 and therefore at 12 o'clock next day there would not have been that particular proposition of invoking that convention that between 1 and 2-30 or 1-30 and 3 there shall not be any voting. So I request and beg of you to charge your memory as to what was really your intention. Because, as you have said, whatever ruling you give will have a far reaching effect and it will be a precedent so far as our House is concerned. I tried to look up all the decisions of the Chair from 1920. But there have been no such cases. Therefore I request you to give a careful consideration to this and lay down some precedent which may help us in the development of democracy in our country.

Shri Raghavachari (Penukonda): By the way in which you have looked at it very legalistically and technically, you will pardon me. Sir, if I say that it was equally the responsibility of the Speaker or the Chairman at the time to give respect and refer to the decisions that have already been taken both as regards the time of ending the debate and also as regards the time of taking the vote on the other matter. In fact you want now to interpret, inferentially, that "you sat, therefore you are deemed to have extended; you have not raised the point, therefore you are deemed to have consented". These are considerations which might arise when we have not already decided about these things, when the rules have not decided about them; these are not to be interpreted now; because it is a well known secret that the Government could not command the majority at the time. And there were attempts here by Mr. Gadgil saying "now it is 6 o'clock; you may defer the matter of decision on this point of order till Monday" and some other man saying some similar thing. So the whole matter has taken such a turn that an unfortunate impression is created, not only in the minds of the people here but the whole world that there has been an attempt to get over a particular decision that we have taken and the decisions of this House are not respected.

Dr. N. B. Khare (Gwalior): Practically speaking, to my mind, there appears no confusion at all as was sought to be impressed on the House. I feel there is only conspiracy and no confusion.

Shri Sadhan Gupta (Calcutta—South-East): This point, as Mr. Basu has stated and as others have also emphasised, raises very important matters and has very far-reaching implications. You will remember, Sir, that it was you who proposed that we should establish a convention that the House will not be counted during a certain time. Now, normally, when the debate on the Constitution Amendment Bill had ended at 1-55, it was the duty of the Presiding Officer, whether you or the Chairman, to put it to vote, and it was the right of the Members of the House to insist on that vote. But because of the convention suggested by you, we agreed to defer it to the end of the Flood debate which had been allocated four hours.

The Flood debate had run its course of four hours. And then it was obvious that there was some difficulty in getting the Constitution Amendment Bill through. And it would be apparent to any impartial person that in spite of the obvious desire that was expressed

by a section of the House, the House was suddenly adjourned without following the usual procedure prescribed in rule 38.

If this sort of thing happens—apart from its illegality which has been more than pointed out by many hon. Members—if this kind of thing happens it means that the convention becomes very difficult to observe. Because, if by observing the convention, Members of the House are deprived of their right to put a question at a time which they consider advantageous, and deprived of their right by a procedure which is not prescribed by the rules, by a procedure which is contrary to the rules, which is a violation of the rules, then it becomes very difficult for the growth of such healthy conventions and it really brings the House to ridicule.

Therefore I would ask you, Sir, to give your most anxious consideration to this aspect and to the far-reaching implications that this aspect implies, before you give a ruling on this matter.

Mr. Speaker: As I said, it will be difficult for me to deal with each and every point raised by the various speakers, nor to my mind is it necessary to do so.

The whole structure of the argument seems to have been based upon an assumption—I do not know how far it is true or how far it is wrong, it may be right or it may be wrong—on the assumption, as I was saying, that the majority party had not the necessary number of Members present in the House. (*Interruption*). Now, I do not want to attribute motives to any one. At least before me there is no proof of that particular fact. What would have happened? In the ordinary course the debate would have gone on till five, and the House should have risen by that time, which meant the necessary postponement of the voting, because I had announced to the House that the voting will take place after the flood debate was over; the flood debate would have been postponed to today, and then the voting would have taken place. If that had happened, I do not think the Members of the Opposition who are raising all these points would have had anything to say about it. All that they could say is that they could not finish the debate within the time-limit fixed by the Allocation Order. But as, I believe, Shrimati Renu Chakravartty or somebody from the Opposition said, they wanted to finish the flood debate, and therefore, they exceeded the usual time-limit of the session of the House. I do not see anything wrong in that. If the House wants to finish its business before a particular date, it was perfectly entitled to sit for longer time, as much as it liked. They could have sat for half an hour, and said, "postpone; we shall sit for half an hour more tomorrow or on Monday". Instead of that, they sat up to six o'clock. Every Member was perfectly entitled to say, "I am not prepared to sit any longer, even if the House wanted to"; and the majority would then have decided.

But the situation that has arisen today is of a peculiar character. Howsoever much an argument be advanced, or howsoever much, assuming, I am sympathetic and prepared even to grant what the Opposition is saying, I cannot see as to how we can now sit on Saturday. That Saturday is gone, and we cannot get back the day or put back the clocks of our life, and be here for voting on Saturday. So, it is no use arguing that point. As I said, it is clear that it is argued on the assumption that Government had no majority.

Then there is another aspect which I felt to be rather amusing, that Members interpreted not only the minds of others, but one hon. Member while raising the point of order even interpreted my own mind. It was alleged that even when I said, after the flood debate, I had in my mind that the House will sit longer, I had in my mind that the flood debate will be extended and I had also in my mind that the voting will take place at six o'clock. Well,

[Mr. Speaker]

many a time, it is our experience that others tell us what our mind was. It is wrong to assume all these things, and then say that the voting should have taken place at 6 P.M. Apart from the House sitting for an excess time, and the debate continuing today, in so far as it may have been irregular now to extend it today, I said, it is entirely in the hands of the House. The hon. Minister, if the House so pleases, may not continue the debate.

There was another point raised by Shri S. S. More, and that was about the rules. Now, I need not go to the interpretation of the rules at this stage. But I do not see the charm of a particular decision of the House being revised by a special motion being brought, and not by taking the sense of the House.

Shri S. S. More: No sense was taken.

Mr. Speaker: The sense was already there in the action of the House, as I have been saying. (*Interruptions*). I now stand on a firmer ground, on the admission of the Opposition Member who said that they wanted to finish the debate...

An Hon. Member: And the voting.

Mr. Speaker: What else is required in taking the sense of the House? It is not that a vote is to be taken. (*Interruptions*).

They have had their say, and I did not interfere then.

So, what is the charm in having a motion? As I have been interpreting, the consent of the House is there, the House agreed, and the conduct of the House is very clear on that point. And the hon. Members forgot one thing that this House has got the power of suspending any rule.

Shri S. S. More: Only on a specific motion. (*Interruptions*).

Mr. Speaker: Order, order. Therefore, to attribute so much on a small incident of every day experience in this House is not correct. If an hon. Member or an hon. Minister says, I am going to finish this argument or speech in five minutes' time, we do extend the session. It is not that we immediately say, the allocation order has to be changed, he cannot exceed by five minutes or even two minutes. We do not say like that.

All the intention of the rules is to help a proper debate. I should not, in this Chair, allow the rules to come in for throttling any debate or for conducting the debates in an improper manner. That is not the object of the rules. The rules are made for the convenience of the House. The House does not....

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): May I make a submission, before you make up your mind? The point that you were kind enough to lay stress on is this, namely, what is to happen to a Bill if no vote is taken. The question of any Bill being talked out is not provided for in the rules. Rules 145 to 149 which provide for the withdrawal of Bills do not make any provision in regard to lapsing of Bills.

Assuming that rule 39 is operative, it does not say that once the provision of that rule is not carried out what would happen to a pending Bill. It resolves itself, therefore, to a decision by the Chair under the powers vested in it under rule 386, *viz.* the residuary powers. Since no provision has been made in regard to a question of this nature, and since a Bill cannot lapse or be talked out, and since some decision has got to be taken on that point, I would venture humbly to suggest that your ruling might be given under rule 388.

Shri H. N. Mukerjee: May I point out one thing.....

Mr. Speaker: It has been sufficiently argued. Let us not take more time....

Shri H. N. Mukerjee: I am not making any fresh argument. I just want to point out to you that there

has been a newspaper report, which I shall send to you presently, to the effect that the Congress Party has sent an s.o.s. telegram to all its Members to come and vote, and the opportunity has been given by the week-end supervening between the forced continuation of the debate and the voting.

I consider this to be an infraction of privilege, and I hope you will let me raise this matter later on, if warranted to do so.

Mr. Speaker: At any rate, there is no evidence before the House that there were telegrams and all that. As for newspaper reports, one is very conversant as to how far they could be reliable. But I am not concerned with that. That would be an extraneous matter. If we are prepared to assume all the motives attributed, then, of course, there may be some meaning, but let us proceed without assumption of any motives or attributing any motives to anyone.

I was saying that there is no charm in having a motion. Even here, the hon. Member will see that the rule speaks of not a motion, but rule 39 says:

> "No variation in the Allocation of Time Order shall be made except on the request of the Leader of the House....."

Shri S. S. More: Did he request? (*Interruptions*).

Mr. Speaker: Order, order, no interferences. I am able to read the English as it is in the rules.

All that has to be done is a request by the hon. Leader of the House who shall notify orally to the House that there was general agreement for such variation, which shall be enforced by the Speaker after taking the sense of the House. But where the House was unanimous....

Some Hon. Members: No, no.

Mr. Speaker: ...to go on with the flood debate beyond 5 P.M. .....

Some Hon. Members: No, no. (*Interruptions*).

Mr. Speaker: ...the usual sitting time.. (*Interruptions*). I do not propose to answer these interruptions. I may have their questions or answers. They may have their own views about it. But it is a procedure, a rough and ready procedure to enable the House to conduct its business in a proper manner. There is no meaning, or there is no charm in having a motion.

There is another point which was raised on Saturday—I do not propose to discuss it now—on the interpretation of rules Nos. 38 and 39. But one thing which I may say is that though I allowed the Members of the Opposition to have their arguments, it is not proper to challenge the ruling of the Chair. The matter was concluded by the ruling of the Chairman on Saturday; it cannot be reopened by anyone, not even by me. It is not a desirable practice that the ruling of the Chair should be revised off and on. If the ruling is wrong, the House may have other remedies.

Shri S. S. More: What other remedies?

Mr. Speaker: It is not my business; it is for the hon. Member, who is so much conversant with the rules and in such detail, to see to that. If there are no rules, he can suggest rules, and if the House so likes, it may accept the rules.

So the matter is concluded that way, to my mind.

MOTION RE: FLOOD SITUATION IN INDIA—*Concld.*

Mr. Speaker: Now, I would like to know the wishes of the House regarding the unfinished speech of the hon. Minister regarding the flood situation in the country. Would the House like the hon. Minister of Planning and Irrigation and Power to finish the reply to the debate?

Several Hon. Members: Yes, yes.

Mr. Speaker: That will be an amendment of the allocation order. Let me take the sense of the House first and then I shall request the hon. the Leader of the House to make a request.

Pandit Thakur Das Bhargava (Gurgaon): May I submit one thing.....

Mr. Speaker: I would again take the sense of the House.

Pandit Thakur Das Bhargava: ...for the consideration of the House. This is not a matter of special importance which has only cropped up today. Everyday it happens. Supposing at 4 P.M. a business was to have been concluded and vote taken...

Mr. Speaker: Let us not carry on the argument further; otherwise, it will be lunch time again.

Pandit Thakur Das Bhargava: It happens everyday. If we do not come to some decision on this question, it will be difficult to continue the business of the House.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): I have listened naturally with interest to what hon. Members have said and, with all respect, to what you have said. I was not present here in the House at that time, although I was not far and could be available. I was not personally aware of what happened at that time. But anyhow, having spent the last three quarters of an hour over this debate, I think it will not be right for me to make any further request for time to continue the debate. We have spent quite enough time over it....

Dr. N. B. Khare (Gwalior): It is not necessary because there are enough Members present in the House for voting!

Shri Jawaharlal Nehru: Therefore I would propose that the debate do conclude now.

Shri V. G. Deshpande (Guna): We are very eager to listen to the Minister.

Mr. Speaker: Now, I will put the amendments to the original motion.

Shri S .S. More (Sholapur): There is a motion which stands in the name of Mr. Nanda. It has to be put.

Mr. Speaker: First, I am taking up for voting the amendments to the motion moved by the hon. Minister.

The question is:

That for the original motion the following be substituted, namely:

"This House having considered the flood situation in the country, is of opinion that—

(a) the approach of planning must be duly modified by laying proper emphasis upon the training and mobilisation of our man-power for flood-control, anti-erosion, irrigation and allied schemes;

(b) the policy of importing machinery from outside for implementing various programmes be reviewed and reduced to absolutely necessary items;

(c) the surplus defence stores in the Depots and the services of the Military Engineering Organisation be utilised for flood-control and allied measures;

(d) a positive and dynamic programme be chalked out for enlisting popular co-operation in the envisaged work;

(e) all long-range plans for control of floods and erosion by construction of dams, embankments, rivetments and spurs be investigated into; and

(f) short-range measures for relief, rehabilitation and protection be urgently adopted

by co-operation and co-ordination at all levels."

The motion was negatived.

Mr. Speaker: The next amendment is in the name of Shri A. P. Sinha. Does he wish me to put it to the House?

Shri A. P. Sinha (Muzaffarpur East): Yes, I want to press it, Sir.

Mr. Speaker: The question is:

That for the original motion the following be substituted, namely:

"This House having considered the flood situation in the country approves of the programme and the steps taken by the Central Government regarding flood-control measures and financial and other aids assured to the State Governments for relief to the victims of unprecedented floods."

The motion was adopted.

Mr. Speaker: The other amendments fall to the ground because the main motion has been substituted.

Shri H. N. Mukerjee (Calcutta North-East): I have an amendment which does not fall to the ground because it very well supplements the purport of the amendment already accepted by the House. I do not suggest anything more than Government's agreement to co-operation with everybody....

Mr. Speaker: I want to know whether he wants me to put it to the vote of the House.

Shri H. N. Mukerjee: Yes, to a voice vote.

Mr. Speaker: I would not enter into that discussion as to whether it survives or not.

The question is:

That for the original motion, the following be substituted, namely:

"This House having considered the flood situation in the country is of opinion that—

(a) the present situation should be considered to be one of national emergency and every effort should be made to rouse and organise the people in the carrying out of schemes for flood and river control etc., and

(b) the immediate measures for providing adequate relief to flood and erosion victims, and schemes for their rehabilitation should be adopted and implemented with the coperation of non-official organisations irrespective of party affiliation."

The motion was negatived.

CONSTITUTION (THIRD AMENDMENT) BILL—*Concld.*

Mr. Speaker: Now, I will put the motion moved by Shri T. T. Krishnamachari on the 10th September 1954 on the Bill to further amend the Constitution of India.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): May I make a submission? In regard to the original motion that I moved, the date for submission of the report is the 17th September. The House will realise that they are now on the 13th. The motion will have to go before the Rajya Sabha and the date fixed is 14th. I would, therefore, humbly suggest that, if the House will permit me, the date for submission of the report may be changed to the 20th September.

Shri S. S. More (Sholapur): Can there be any amendment after the conclusion of the debate?

Mr. Speaker: Obviously, this is a formal one, that they shall make a report by the 20th September. I will put it as an amendment.

Now, there are two amendments which I shall first put to the vote. The first one is by Mr. Vallatharas.

[Mr. Speaker]

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 25th October, 1954."

The motion was negatived.

Mr. Speaker: The next amendment is by Mr. Bogawat.

Shri Bogawat (Ahmednagar South): I beg leave of the House to withdraw it.

The amendment was, by leave, withdrawn.

Shri H. N. Mukerjee (Calcutta North-East): May I point out at this stage that the motion includes my name as one of the members of the Select Committee which is proposed? But in view of certain things which have happened, I am sorry I cannot serve on the Select Committee and some other name, if necessary, will have to be substituted for mine.

Mr. Speaker: Anyway, all I can do is to delete Mr. Mukerjee's name. As regards a substitute, I do not know whom the hon. Minister in charge would like to suggest.

Shri T. T. Krishnamachari: I am rather at a loss to say. For the time being, we may accept the deletion and proceed on the basis of 23 Members.

Mr. Speaker: The question is:

"That the Bill further to amend the Constitution of India, be referred to a Joint Committee of the Houses consisting of 35 members;

23 from this House, namely, Shri Jawaharlal Nehru, Shri Rafi Ahmed Kidwai, Shri Upendranath Barman, Shri V. B. Gandhi, Shri Kotha Raghuramaiah, Shri N. V. Gadgil, Shri Tek Chand, Shri A. M. Thomas, Shri S. Sinha, Shri C. D. Pande, Shri Raghubir Sahai, Shri Shriman Narayan Agarwal, Shri R. Venkataraman, Shri Nemi Chandra Kasliwal, Shri Raghavendrarao Srinivasrao Diwan, Shri Liladhar Joshi, Shri Ranbir Singh Chaudhuri, Shri K. S. Raghavachari, Shri Bhawani Singh, Shri N. C. Chatterjee, Dr. D. Ramchander, Dr. A. Krishnaswami and Shri T. T. Krishnamachari,

and 12 members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 20th September, 1954;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to the Lok Sabha the names of members to be appointed by the Rajya Sabha to the Joint Committee."

The Lok Sabha divided: *Ayes* 294; *Noes* 43.

Division No. 2.] **AYES** **[12-50 P.M.**

Abdullabhai, Mulla	Altekar, Shri	Barman, Shri
Abdus Sattar, Shri	Alva, Shri Joachim	Barrow, Shr
Achal Singh, Seth	Amin, Dr.	Barupal, Shri P. L.
Achint Ram, Lala	Amrit Kaur, Rajkumari	Basu, Shri A. K.
Achuthan, Shri	Asthana, Shri	Bhagat, Shri B. R.
Agarwal, Shri S. N.	Azad, Shri Bhagwat Jha	Bhakt Darshan, Shri
Agarwal, Shri H. L.	Badan Singh, Ch.	Bharati, Shri G. S.
Agrawal, Shri M. L.	Balasubramaniam, Shri	Bhargava, Pandit Thakur Dass
Ajit Singhji, General	Baldev Singh, Sardar	Bhartiya, Shri S. R.
Alagesan, Shri	Bansal, Shri	Bhatt, Shri C.

AYES—*Contd.*

Bhawani Singh, Shri
Bhawanji, Shri
Bhonsle, Shri J. K.
Bidari, Shri
Birbal Singh, Shri
Bogawat, Shri
Borkar, Shri N. A.
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Brohmo-Choudhury, Shri
Chaliha, Shri
Chanda, Shri Anil K.
Chandak, Shri
Charak, Th. Lakshman Singh
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chettiar, Shri Nagappa
Chettiar, Shri T. S. A.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Dabhi, Shri
Damar, Shri
Das, Dr. M. M.
Das, Shri B.
Das, Shri B. K.
Das, Shri K. K.
Das, Shri N. T.
Das, Shri Ramanand
Das, Shri S. N.
Datar, Shri
Deb, Shri S. C.
Desai, Shri K. K.
Desai, Shri K. N.
Deshmukh, Shri C.
Deshmukh, Shri, K. G.
Deshpande, Shri G. H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Dube, Shri Mulchand
Dube, Shri U. S.
Dubey, Shri R. G.
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Eacharan, Shri I.
Elayaperumal, Shri
Gadgil, Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Gandhi, Shri V. B.
Ghose, Shri S. M.
Ghosh, Shri A.
Ghulam Qader, Shri
Gohain, Shri
Gopi Ram, Shri
Gounder, Shri K. S.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Badshah
Hari Mohan, Dr.
Hazarika, Shri J. N.
eda, Shri
Hem Raj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Jain, Shri A. P.
Jain, Shri N. S.
Jajware, Shri
Jangde, Shri
Jayashri, Shrimati
Jena, Shri K. C.
Jena, Shri Niranjan
Jhunjhunwala, Shri
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M. D.
Joshi, Shrimati Subhadra
Kajrolkar, Shri
Kale, Shrimati A.
Kanungo, Shri
Karmarkar, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Keshavaiengar, Shri
Keskar, Dr.
Khardekar, Shri
Khedkar, Shri G. B.
Khongmen, Shrimati
Kidwai, Shri
Kirolikar, Shri
Kolay, Shri
Kottukappally, Shri
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Kureel, Shri B. N.
Kureel, Shri P. L.
Lakshmayya, Shri
Lal, Shri R. S.
Lal Singh, Sardar
Lallanji, Shri
Laskar, Shri
Lotan Ram, Shri
Mahodaya, Shri
Mahtab, Shri
Majhi, Shri R. C.
Majithia, Sardar
Malaviya, Shri K. D.
Malliah, Shri U. S.
Malvia, Shri B. N.
Malviya, Pandit C. N.
Malviya, Shri Motilal
Mascarene, Kumari Annie
Masuodi, Maulana
Mathew, Prof.
Matthen, Shri
Mehta, Shri B. G.
Minimata, Shrimati
Mishra, Shri S. N.
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri Lokenath
Misra, Pandit Lingaraj
Misra, Shri B. N.
Misra, Shri R. D.
Misra, Shri S. P.
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
More, Shri K. L.
Mudaliar, Shri C. R.
Mukne, Shri Y. M.
Musafir, Giani G. S.
Nair, Shri C. K.
Nanda, Shri
Natawadkar, Shri
Nathwani, Shri N. P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Palchoudhury, Shrimati Ila
Pande, Shri C. D.
Pant, Shri D. D.
Paragi Lal, Ch.
Parmar, Shri R. B.
Pataskar, Shri
Patel, Shri B. K.
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Pateria, Shri
Patil, Shri Shankargauda
Pawar, Shri V. P.
Pillai, Shri Thanu
Pocker Sahib, Shri
Prabhakar, Shri Naval
Prasad, Shri H. S.
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Rahman, Shri M. H.
Ram Dass, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramasami, Shri M. D.
Ramaseshaiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S. V.
Ranbir Singh, Ch.
Rane, Shri
Ranjit Singh, Shri
Rao, Diwan Raghavendra
Rao, Shri Seshagiri
Raut, Shri Bhola
Reddy, Shri Viswanatha
Richardson, Bishop
Roy, Shri Bishwa Nath
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Saksena, Shri Mohanlal
Sanganna, Shri
Sankarapandian, Shri

AYES—*Concld.*

Satyawadi, Dr.
Sen, Shrimati Sushama
Sewal, Shri A. R.
Shah, Shri C. C.
Shah, Shri R. N.
Shah, Shrimati Kamlendu Mati
Shakuntala, Shrimati
Sharma, Pandit Balkrishna
Sharma, Pandit K. C.
Sharma, Shri D. C.
Sharma, Shri K. R.
Sharma, Shri R. C.
Shastri, Shri Algu Rai
Shivananjappa, Shri
Shobha Ram, Shri
Shukla, Pandit B.
Siddananjappa, Shri
Singh, Shri C. Sharan
Singh, Shri D. N.
Singh, Shri Babunath
Singh, Shri G. S.
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri A. P.
Sinha, Shri Aniruddha
Sinha, Shri B. P.
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Snatak, Shri
Sodhia, Shri K. C.
Sunder Lal, Shri
Suriya Prashad, Shri
Syed Ahmed, Shri
Syed Mahmud, Dr.
Tandon, Shri
Tek Chand, Shri
Telkikar, Shri
Tewari, Sardar R. B. S.
Thimmaiah, Shri
Thomas, Shri A. M.
Tivary, Shri V. N.
Tiwari, Pandit B. L.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Tripathi, Shri H. V.
Tripathi, Shri K. P.
Tripathi, Shri V. D.
Tyagi, Shri
Upadhyay, Pandit Munishwar Datt
Upadhyay, Shri Shiva Dayal
Upadhyay, Shri S. D.
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Varma, Shri B. B.
Varma, Shri B. R.
Velayudhan, Shri
Venkataraman, Shri
Vidyalankar, Shri A. N.
Vijaya Lakshmi, Shrimati
Vishwanath Prasad, Shri
Vyas, Shri Radhelal
Wodeyar, Shri
Zaidi, Col.

NOES

Amjad Ali, Shri
Anandchand, Shri
Bahadur Singh, Shri
Basu, Shri K. K.
Buchhikotaiah, Shri
Chakravartty, Shrimati Renu
Chatterjee, Shri Tushar
Chowdary, Shri C. R.
Chowdhury, Shri N. B.
Damodaran, Shri N. P.
Das, Shri B. C.
Dasaratha Deb, Shri
Deo, Shri R. N. S.
Deshpande, Shri V. G.
Gadilingana Gowd, Shri
Gupta, Shri Sadhan
Hukam Singh, Sardar
Khare, Dr. N. B.
Kripalani, Acharya
Majhi, Shri Chaitan
Mehta, Shri Asoka
Mishra, Pandit S. C.
More, Shri S. S.
Mukerjee, Shri H. N.
Mushar, Shri
Nanadas, Shri
Narasimham, Shri S. V. L.
Nayar, Shri V. P.
Pandey, Dr. Natabar
Punnoose, Shri
Raghavachari, Shri
Ramnarayan Singh, Babu
Randaman Singh, Shri
Rao, Dr. Rama
Rao, Shri K. S.
Rao, Shri P. Subba
Rao, Shri Mohana
Razmi, Shri S. K.
Reddi, Shri Ramachandra
Reddi, Shri Eswara
Reddy, Shri R. N.
Rishang Keishing, Shri
Swami, Shri Sivamurthi

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

Shri Raghavachari (Penukonda): Sir, on a point of order. I understand that the division bell did not work at all. Does it make any difference?

Shri K. K. Basu (Diamond Harbour): And, somebody was stopped from entering.

Shri V. P. Nayar (Chirayinkil): Obviously it refused to work.

Mr. Speaker: It appears that the framers of the rules had anticipated some such objection and they have provided for it. I might invite hon. Members' attention to rule 376, sub-clause (4). I shall read out the whole of it for the benefit of the House—

> (4) No debate shall be allowed on a point of order, but the Speaker may, if he thinks fit, hear Members before giving his decision.
>
> (5) A point of order is not a point of privilege.

(6) A Member shall not raise a point of order—

[I need not read all the details, but let me take only item (e), which reads as follows:]

(e) that division bells did not ring or were not heard.

So, that matter is ended. The rule is very clear. The bell is given for the convenience of Members, but the Members' duty is to be present in the House all the time.

SPECIAL MARRIAGE BILL—*contd.*

Mr. Speaker: The House will proceed with the further consideration of the Bill to provide a special form of marriage in certain cases, for the registration of such and certain other marriages and for divorce, as passed by the Rajya Sabha. Amendments are also there. I believe that clauses 8 to 14 are under discussion. Hon. Members who wish to move their amendments may kindly hand in at the Table the number of the amendment to the Secretary, and they will be taken as moved, and that will save some time.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Mr. Chairman: Now, let us proceed with the next item of our business. Hon. Members are giving their amendment numbers to the Secretary, but before they give, let us start with No. 358. Before I take up the amendments, I would like that the clauses may be discussed. I would now call Mr. Tek Chand to move his amendment if he likes.

Clause 8.—(*Procedure on receipt of objection*)

Shri Tek Chand (Ambala—Simla): May I take the liberty of moving the amendment standing in my name, that is, No. 358 to clause 8? I beg to move:

In page 4, lines 6 to 8, *omit*

"but the Marriage Officer shall not take more than thirty days from the date of the objection for the purpose of inquiring into the matter of the objection and arriving at a decision."

My submissions with regard to clause 8 are these. Clause 8 imposes an obligation on the Marriage Officer that he should dispose of the objections, if any, within a stated period, namely, thirty days. Within thirty days, objections must necessarily be disposed of by the Marriage Officer regardless of the fact that there is available evidence in support of the objections, but he can short-circuit the procedure even if serious objections are raised and evidence in support is available. He can very well say that he has not got the necessary time. I submit that from every point of view, this clause is improper. You are giving the opportunity to a person to raise objections under a particular clause. The objections, by their very nature, are restricted to matters contained in clause 4, and if someone, be he a parent or be he a very close relation, would raise the questions that one of the parties has a spouse living or that one of the parties is of nonage or that the parties are interrelated within the prohibited degree of relationship, these are fundamental objections recognised by the statute. Those objections are being raised and evidence is available, but the Marriage Officer may well say "I am overworked; I have not got the time; the number of cases that I have got to dispose of are too many, although all these objections, which are vital to the marriage, are there." Nonetheless simply because the objector is placed at the tender mercies of the Marriage Officer, these objections cannot be proved and demonstrated despite the fact that those objections are very much there. It has never been known in law and it appears that this is the first statute of its kind where this anomaly is being introduced. The Marriage Officer is not going to dispose of the question of the validity of the objections or otherwise. He is not

[Shri Tek Chand]

going to decide whether the objections are sound or unsound. He is going to permit those objections to lapse merely by passage of time, merely by saying that thirty days within which objections could be disposed of have expired.

Take another matter, for instance. You empower the Marriage Officer with certain powers for summoning the witnesses. The witnesses have been summoned. Through no fault of the objector, they cannot come or do not come by the date fixed. The documents are there which go to show, let us say, that one of the spouses is already married and the husband or the wife is alive, and proof positive is again forthcoming. Simply because the proof has not come by the thirtieth day, the objections, howsoever sound, howsoever valid, howsoever irrebuttable, go by the board simply because of that time interval. All these things can always be manoeuvred. They can always be managed by the designing parties; the witnesses can be coerced, some delay can be caused, some obstructive tactics can be resorted to. Therefore, when you compel him that if you do not dispose of objections within thirty days, they will be deemed to have been dismissed, that is something unknown to the law. Therefore, I submit that if a statute is not conniving at any improper marriages, if the statute is not deliberately encouraging marriages within prohibited degrees, marriage of persons of nonage and marriage of persons which are deemed to be improper and invalid under statute, then, these lines that I have indicated in my amendment should be omitted. In other words, it comes to this. Although according to your own law such a marriage is invalid, nevertheless, in so far as the objector has not been permitted to demonstrate its invalidity which may be very obvious, within thirty days, the fundamental defect is ignored. I submit that social legislation may be all very well, but the law should not enter into a conspiracy with the violators of law. But it does that, by saying that we will somehow manage the thirty days to elapse and then we can snap our fingers at the objector howsoever just and well-founded the objections may be. Therefore, I commend to my friends that this is a matter which is very important. Law should not enter into a conspiracy with the guilty, which it purports to do if the objectionable words are not omitted.

Dr. Jaisoorya (Medak): May I ask: does he want no time-limit at all?

Shri Tek Chand: It is not a question of my wanting a time-limit. What I want is that objections have to be disposed of on their merits, and proper time and opportunity has to be given, as it is being given in any other case; howsoever urgent it may be in its nature, a certain time is to be given. The objector gives his list of witnesses, the objector gives the list of documents upon which he relies, and an opportunity has to be given to produce those documents and to produce those witnesses, so that they may go and make their deposition and the documents may be examined. There can be no such thing as time-limit; if the available clue has been stopped or withheld for a little time, the objections go by the board.

Mr. Chairman: Amendment moved:

In page 4, lines 6 to 8, *omit*

> "but the Marriage Officer shall not take more than thirty days from the date of the objection for the purpose of inquiring into the matter of the objection and arriving at a decision."

Shrimati Renu Chakravartty (Basirhat): May I request you to specify the time for discussion of these amendments? We have, I think, allotted one hour for clauses 8 to 14. So, I would like you to remind the House of this, and to request the Chair to tell us exactly how much time he will allow us for discussion clause by clause.

Mr. Chairman: I have received the following amendments to clause 8, and they will be taken as moved:

246, 307, 308, 359, 360, 361 and 362.

Shri R. D. Misra (Bulandshahr Distt.): I beg to move:

In page 4, *for* lines 9 to 15, *substitute*:

"(2) If the Marriage Officer upholds the objection and refuses to solemnize the marriage then either party to the intended marriage, or if such officer rejects the objection then the objector may within a period of thirty days from the date of order, prefer an appeal to the district court within the local limits of whose jurisdiction the marriage officer has his office, and the decision of the district court on such appeal shall be final and the marriage officer shall act in conformity with the decision of the court."

Shri Krishna Chandra (Mathura Distt.—West): I beg to move:

(i) In page 4, lines 6 and 7, *for* "thirty days" *substitute* "ninety days".

(ii) In page 4, *after* line 15, *add*:

"(3) If the Marriage Officer rejects the objection he shall not solemnize the marriage till fourteen days have elapsed from the date of such rejection, and the objector shall have the right to prefer an appeal within this period to the district court mentioned in sub-section (2) against the order of rejection and the decision of the district court on such appeal shall be final and binding on the Marriage Officer."

Shri H. G. Vaishnav (Ambad): I beg to move:

(i) In page 4, line 6, *after* "shall not take" *insert* "ordinarily".

(ii) In page 4, line 8, *add* at the end:

"and he shall give specific reasons if the decision is delayed beyond the period of thirty days."

(iii) In page 4, line 9, *after* "Marriage Officer" *insert* "disallows the objections or".

(iv) In page 4, line 10, *after* "the marriage" *insert* "the objector or".

Mr. Chairman: Amendments moved:

(1) In page 4, *for* lines 9 to 15, *substitute*:

"(2) If the Marriage Officer upholds the objection and refuses to solemnize the marriage then either party to the intended marriage, or if such officer rejects the objection then the objector may within a period of thirty days from the date of order, prefer an appeal to the district court within the local limits of whose jurisdiction the marriage officer has his office, and the decision of the district court on such appeal shall be final and the marriage officer shall act in conformity with the decision of the court."

(2) In page 4, lines 6 and 7, *for* "thirty days" *substitute* "ninety days".

(3) In page 4, *after* line 15, *add*:

"(3) If the Marriage Officer rejects the objection he shall not solemnise the marriage till fourteen days have elapsed from the date of such rejection, and the objector shall have the right to prefer an appeal within this period to the district court mentioned in sub-section (2) against the order of rejection and the decision of the district court on such appeal shall be final and binding on the Marriage Officer."

(4) In page 4, line 6 *after* "shall not take" *insert* "ordinarily".

(5) In page 4, line 8, *add* at the end:

"and he shall give specific reasons if the decision is delayed beyond the period of thirty days."

[Mr. Chairman]

(6) In page 4, line 9, *after* "Marriage Officer" *insert* "disallows the objections or".

(7) In page 4, line 10, *after* "the marriage" *insert* "the objector or".

I would request hon. Members to kindly send in their amendments to clauses 9 to 14, so that I may be able to know what amendments are going to be moved. At the same time, let the House. Clause 1 will not be put fixed one hour for the discussion of clauses 8 to 14. At 2-14 P.M., say, I will put all the clauses to the vote of the House. Clause 1 will not be put to vote, but any discussion on clause 1 also will take place just now, and we will finish within the established time of one hour. So, I request the hon. Members to kindly be very brief.

Shri N. C. Chatterjee (Hooghly): Not clause 1. Clause 1 has been tacked on to clause 15. You may remember also your amendments.

Mr. Chairman: I will just see the bulletin. Yes; I am sorry. Clause 1 is bracketed with clauses 15 to 18. So, the discussion now will be on clauses 8 to 14 only. Now, all the amendments relating to clauses 8 to 14 may be kindly sent in as soon as possible.

Shri M. L. Agrawal (Pilibhit Distt. *cum* Bareilly Distt.—East): I want to move my amendment No. 247 to clause 8.

Mr. Chairman: All right.

Shri M. L. Agrawal: I beg to move:

In page 4, *for* lines 9 to 11, *substitute*:

> "(2) The objector or either party to the intended marriage aggrieved by the decision of the Marriage Officer may within thirty days from the date of such decision prefer."

Mr. Chairman: Amendment moved:

In page 4, *for* lines 9 to 11, *substitute*:

> "(2) The objector or either party to the intended marriage aggrieved by the decision of the Marriage Officer may within thirty days from the date of such decision prefer."

Shri D. C. Sharma (Hoshiarpur): I have risen to speak on what my hon. friend, Shri Tek Chand, has said on this clause. My humble submission is that the fears which he has put forward are all imaginary. They relate to cases which may exist in books of fiction and short stories but which we will not come across in actual life. In life, in literature, in drama and in our folklore, one of the most despicable characters is the person who obstructs a marriage. I do not want to quote, because the time at my disposal is very short, but I think an obstructor to a marriage is looked upon as a very, very anti-social person in life and in literature. If I have understood the argument of my learned friend Shri Tek Chand rightly, he was trying to put a premium upon the obstructive tactics of those obstructors to marriage whom we do not like.

Shri Tek Chand: You have not understood my argument.

Shri D. C. Sharma: It is very difficult to understand because you speak such bombastic English.

Shri Tek Chand: On a point of order. I protest against the language used by the hon. Member.

Shri D. C. Sharma: It was not my intention to offend the gentleman. He is one of my very best friends. I do not want to offend him. Perhaps, I did not understand him because he was speaking a kind of English which I could not understand. He was one of my students. Therefore, I do not offend him.

Shri N. C. Chatterjee: You taught him badly!

Shri D. C. Sharma: The point is this. I think that the thirty days' limit is a reasonable limit. It is a limit warranted by common sense and warranted by legal practice also. If you give an indefinite limit to the obstructors of marriage, I think you will be nullifying the salubrious effects of this Bill which is a Special Marriage Bill. It only means this that a marriage can be kept hanging all the time because evidence is not available, because this or that thing is not available and so on. Therefore, I think the time-limit is a very wholesome and salutary check on those persons who are trying to come in the way of this special kind of marriage. It should be appreciated that this special form of marriage is a kind of marriage which will not be looked upon with favour by certain sections of society. We are going to legislate for the type of person who is going to—I should use that expression—deviate from the social norm. Therefore, a person who deviates from the social norm is always subject to a lot of criticism and persecution. Since we have to defend such persons, to protect those persons, this time-limit is necessary. If we do not do that, it means that we are taking away with one hand what we have given with the other hand. In the marriage contract, it is written—I am quoting the instance of a very progressive country which has passed a very progressive law about marriage—that marriage shall be based upon the complete willingness of the two parties; neither party shall use compulsion and no third party shall be allowed to interfere. What I mean to say is this: all those countries who have passed progressive legislation about this progressive kind of marriage have seen to it that no person comes between the two persons who are going to marry. I, therefore, say that the provision of the time-limit which is given in this Bill is very wholesome and that it should be stuck to and we should not deviate from this.

Shri H. G. Vaishnav: My hon. friend, Mr. Sharma, said that the objection which Shri Tek Chand raised is only of an imaginary nature but I think what he says itself is an imaginary way of thinking. If he goes into reality, it will be otherwise. This does not mean that there should not be any limit fixed for the decision to be given by the Marriage Officer. There should be some definite period fixed for giving the necessary decision in this respect; it is very essential. The sad feature of this clause 8 is that it does not say if a decision could not be given within thirty days what would happen to the proceedings. The clause says that the Marriage Officer shall not take more than thirty days from the date of the objection for the purpose of inquiring into the matter of the objection and arriving at a decision. What I think is that. If you take a certain case where the Marriage Officer could not decide the matter within the period of thirty days, then what would happen? Will the proceedings be dropped or thrown away? There should be some provision in this clause to the effect that, if the decision could not be given within thirty days, there should be some other way of procedure to be laid down to show what should be done to the proceedings.

My amendment to this clause is No. 359 by which I have proposed that the word 'ordinarily' should be inserted after the words 'shall not take'. The Marriage Officer shall not take ordinarily more than thirty days' time. If the word 'ordinarily' is inserted there, then it would mean that there is a time-limit fixed as per intention of this Act. I have also added further one line at the end of this clause, under my amendment, No. 360, saying that he should give specific reasons if the decision is delayed beyond the period of thirty days.

In certain cases if the decision could not be given within thirty days which is the ordinary period fixed for coming to a decision, in that case, it will be incumbent on the Marriage Officer—if he delays the decision for

[Shri H. G. Vaishnav]

more than thirty days—to give specific reasons saying that this could not be done because of certain exigency or some extraordinary circumstances. It may not be the fault of the Marriage Officer; it may not be the fault of anybody. But still there may be instances and there may be so many cases where the decision could not be given within thirty days. Supposing the Marriage Officer is ill or goes on leave for some days during this period of thirty days and if nobody comes in his place for seven or eight days, certainly the decision, will not be given within thirty days. What will then happen to the proceedings? Will they be thrown away? Perhaps on the last day there will be some show and the Marriage Officer will say something and conclude that the objections are invalid because thirty days' period has passed. That is the anomalous position. This amendment of mine suggests that there should be the period of thirty days fixed; ordinarily it should be the period. If at all the proceedings are delayed beyond thirty days, the Marriage Officer should state specific reasons for the delay. In this way this will provide specific procedure. My humble submission is that the Hon. Law Minister should consider all these aspects and would consent to these two amendments of mine.

Several Hon. Members *rose*—

Mr. Chairman: So far as this clause is concerned, I am sorry to say that it has taken more than its allotted time. There are six or seven sections more to be gone into. I am therefore requesting the hon. Minister to reply.

The Minister of Law and Minority Affairs (Shri Biswas): I will just point out why this clause was put in this form. If the hon. Members will turn to the report of the Joint Select Committee they will find that it was at the instance of the Committee that this provision was made. The object is to secure a speedy decision by the Marriage Officer. Supposing the parties are to be given notice of marriage petitions and invited and a date is fixed for hearing the objections, the parties will be there and the objectors will be there. So far as the parties are concerned, you may take it that they will not delay matters. They will get all the witnesses and all the evidence as quickly as possible. The only delay that can take place will be on the part of the objectors. You are not going to allow this. Are you going to allow people to delay matters who simply for the sake of delay want to drag on the proceedings and delay the marriage. No, that should not be. That is the point. The Joint Select Committee proposed that there should be a time-limit in order to expedite a decision. It is an executive officer who is being given a time-limit to dispose of the petitions. It is not as if we are imposing this upon a civil court. The Marriage Officer is an executive officer and instructions may be given to him as to the period within which he must finish the hearing.

So far as the other suggestion of Mr. Tek Chand is concerned—the time-limit should be removed altogether—and the other proposal that has been made that the word 'ordinary' should be put in because of the insuperable difficulties which may arise in the way of the Marriage Officer's giving a decision within thirty days and also that he should state why he has been compelled to exceed the allotted time, I do not think that such a contingency will arise in actual practice. We all know about time limits. The Limitation Act prescribes time limits for so many things. The litigant always waits till the last moment and then files an application. This is not right. As soon as the petitions are filed, steps must be taken forthwith to dispose of them, and decisions must be given without loss of time by the Marriage Officers. He may fall ill or be taking leave—let us not anticipate all these

contingencies which may keep him away from his work. If he is on leave, there will be some other Marriage Officer and he will carry on. I do not think there is any justification for accepting any of these amendments.

Shri Tek Chand: May I seek one clarification with your kind permission? The hon. Law Minister referred to the Limitation Act. It is for the institution of a suit or an application or an appeal. But the Limitation Act does not impose any period for disposing of a matter.

Shri Biswas: I withdraw all reference to the Limitation Act. I confine myself to this Bill, if that will stop further argument.

Mr. Chairman: Let me put the amendments to the vote of the House. If any hon. Member wants to withdraw any amendment, he may kindly inform me. First, I shall put amendment No. 247 to the vote of the House. The question is:

In page 4, *for* lines 9 to 11, *substitute*:

"(2) The objector or either party to the intended marriage aggrieved by the decision of the Marriage Officer may within thirty days from the date of such decision prefer."

The motion was negatived.

Mr. Chairman: The question is:

In page 4, *for* lines 9 to 11, *substitute*:

"(2) If the Marriage Officer upholds the objection and refuses to solemnize the marriage then either party to the intended marriage, or if such officer rejects the objection then the objector may within a period of thirty days from the date of order, prefer an appeal to the district court within the local limits of whose jurisdiction the marriage officer has his office, and the decision of the district court on such appeal shall be final and the marriage officer shall act in conformity with the decision of the court."

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 6 and 7, *for* "thirty days" *substitute* "ninety days".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, *after* line 15, *add*:

"(3) If the Marriage Officer rejects the objection he shall not solemnise the marriage till fourteen days have elapsed from the date of such rejection, and the objector shall have the right to prefer an appeal within this period to the district court mentioned in sub-section (2) against the order of rejection and the decision of the district court on such appeal shall be final and binding on the Marriage Officer."

The motion was negatived.

Mr. Chairman: The question is:

In page 4, lines 6 to 8, *omit*:

"but the Marriage Officer shall not take more than thirty days from the date of the objection for the purpose of inquiring into the matter of the objection and arriving at a decision."

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 6, *after* "shall not take" *insert* "ordinarily".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 8, *add* at the end:

"and he shall give specific reasons if the decision is delayed beyond the period of thirty days."

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 9, *after* "Marriage Officer" *insert* "disallows the objections or".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 10, *after* "the marriage" *insert* "the objector or".

The motion was negatived.

Mr. Chairman: No. 363 is barred. I will now put clause 8.

The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9.—(*Powers of Marriage Officers in respect of inquiries*)

Mr. Chairman: I have received notice of the following amendments which are proposed to be moved to clause 9:

Nos. 367, 251, 364 and 366.

Shri H. G. Vaishnav: I beg to move:

In page 4, line 36, *for* "one thousand rupees" *substitute* "five hundred rupees".

Shri M. L. Agrawal: I beg to move:

In page 4, line 36, *for* "one thousand rupees" *substitute* "two hundred rupees".

Shri Tek Chand: I beg to move:

(i) in page 4, line 34, *for* "not reasonable" *substitute* "false".

(ii) In page 4, line 36, *for* "one thousand rupees" *substitute* "two hundred rupees".

Shri Tek Chand: The clause as it stands now reads "If it appears to the Marriage Officer that the objection made to an intended marriage is not reasonable". I want the words "not reasonable" to be substituted by the word "false". That is to say, "if it appears to the Marriage Officer that the objection made to an intended marriage is false and has not been made in good faith he may impose on the person objecting costs by way of compensation not exceeding one thousand rupees". And here instead of "one thousand rupees" my amendment is that it should be "two hundred rupees". That is to say, the objector alone should be punished who has not only out of mischief, out of *mala fide*, out of design, put an objection which is demonstrated to be false; and such a person, if the objection appears to be false, should be mulcted to the maximum amount of two hundred rupees.

What the Bill provides is an indirect deterrent to the objector. Firstly, the whole scheme seems to be, to my mind, to stifle the voice of a genuine objector at every stage of these proceedings. And the last stage has come. If the objections are unreasonable, according to the clause as it stands, the man is to be mulcted to the tune of one thousand rupees. The objection must be demonstrated to be false and not merely be unreasonable. Otherwise too, speaking legally, the expression 'unreasonable' is erroneous. Because, the objections are confined to those contained in clause 4. The objection *must* be reasonable, because you cannot traverse beyond the scope of section 4. The objections have to be confined to the matter of age, to the matter of there being a spouse alive, to the question of prohibited degree of relationship, and the fourth matter regarding insanity or lunacy. Therefore the objections, from their very nature, in so far as they are confined to objections under section 4 and no other, have by force of law got to be reasonable—unless you say that if you mention objections under section 4 then they are unreasonable objections. Thereby you are condemning your own section 4. Therefore, the retention of the word 'unreasonable' to my mind will lead not only to confusion but indirectly you are undermining your own section 4. Therefore, you cannot say

that the objections must be unreasonable. The only objections known to law or to your own section 4 have to be false, unfounded, baseless—and not unreasonable. That being so, I pray that the word "false" should be substituted for the words "not reasonable".

Then the other thing is this. It may be a parent who is raising the objection. It may be a person who is concerned, who has got a very close interest. It may be out of the purest motive. What you say is that if the objections are not reasonable....

Shri Venkataraman (Tanjore): Would it not be covered by the clause "has not been made in good faith"?

Shri Tek Chand: My hon. friend does not see the distinction, I am sorry to say, between good faith and falsity. Good faith is a state of mind. Suppose out of mischief or bad faith I make objections that are sound. Suppose I disclose a fact, that this person has a spouse living. But my motive is a bad motive, one of defaming. I do not keep my mouth shut. Out of bad faith I make that objection.

Shri A. M. Thomas (Ernakulam): Legally it is not bad faith.

Shri Tek Chand: *Bona fide* or good faith is a state of mind of the objector. The objection being false or good is a state of fact that depends upon the evidence led. Therefore please do not confuse between the two. A man, in perfect good faith, may make a sound, valid objection. The factual correctness of the objection should not be confused with the state of the mind of the objector. It may be, in the case of one man, he may think "I have no ill-will against this man". It may be a friend of mine. I may close my eyes and feel "I am not going to raise an objection" though the objection, if raised, is irrefutable! Therefore, this objection is not covered by the use of the words bad faith or good faith. Here you have got to see to the nature of the objection. Is it well-founded, valid, rather than to the state of mind of the objector. *Bona fide* or *mala fide* is the state of the mind and it has nothing to do with the factual correctness of the objection.

Therefore, the objection has to be false, that is *non-est*, non-existent. And then the question of good faith and bad faith may arise.

Mr. Chairman: The hon. Member has taken so much time and repeated himself over again. There are four or five clauses still to go and I would request him to be brief.

Shri Tek Chand: If I had not been interrupted from that quarter the question of amplifying this matter which is so obvious would not have arisen.

Then the question is about one thousand rupees. Is an objector to be punished? To impose one thousand rupees, I submit the object is not to compensate the other party; the object is penal. And I sumbit in this statute penal matters ought not to be there. Two hundred rupees in the case of a person making a false objection ought to be enough.

Shri Biswas: I object to this amendment....

Shri C. C. Shah (Gohilwad-Sorath): May I say a few words on this? I am afraid there is some misapprehension. I am sure sub-clause (2) will not be invoked unless the objection is rejected. If the objection is upheld by the Marriage Officer there is no question of invoking this sub-clause (2). If the objection is rejected, the objection is proved to be false and therefore....

Shri Tek Chand: Suppose the objection is not proved false for want of evidence?

Shri C. C. Shah: "If the objection is not reasonable", and then the other condition imposed is that it has not been made in good faith. I think the apprehension is slightly misplaced. That is all that I can say.

[Shri C. C. Shah]

The only other thing is about the penalty. It is a little high, I agree.

Shri K. K. Basu (Diamond Harbour): It is "not exceeding one thousand rupees". You can make it one hundred rupees.

Shri Tek Chand: Why not "one lakh of rupees"?

Shri C. C. Shah: In fact, we are entitled to perform a valid marriage. If it is otherwise, the consequences follow.

Under clause 24 it would be void if any of the conditions specified in clause 4 has not been fulfilled. Under clause 44 there is penalty for signing false declaration etc.

Shri Biswas: There is a distinction in refusing to solemnise a marriage on the ground that the conditions under clause 4 have not been fulfilled. That is dealt with in clause 8 which we have disposed of already. There, you find that a Marriage Officer is required to hold an enquiry into the matter of the objection and then be satisfied that the objections ought not to prevent the solemnization of the marriage. That is how we put it. We do not even say that he is to be satisfied that none of the grounds alleged is true in point of fact. He has got to satisfy himself that the objections ought not to prevent the solemnization of the marriage. One of the grounds is that the parties must be of a certain age, male or female. It is sometimes very difficult to ascertain the age accurately. Suppose he makes a mistake and there is a margin of a month or two. Suppose ultimately it turns out that on the date of the marriage, the girl was really two months short of 18 or that the boy was 2 months short of 21 would that be a ground for setting aside the marriage? Although the grounds are specified in clause 4, the Marriage Officer has to take a reasonable view. If he is satisfied that the objection is not such as should prevent the marriage, he may proceed with the marriage.

Clause 9(2) deals with a separate question altogether. The question of awarding exemplary costs against the objector is not a question of setting aside or refusing to solemnize a marriage because of certain objections. If he finds that the object did not act reasonably, that should be enough. The Marriage Officer has to impose a deterrent penalty on all those who would bring objections without any thought, merely for the sake of filing objections, for blackmailing, may be, I do not know. It is only for that purpose that this provision was made for awarding exemplary costs in suitable cases. The words used are, if he finds that the objection is not reasonable and has not been made in good faith. These words 'made in good faith' afford the amplest security to the objector against any unreasonable award of costs against him. That is my answer.

Shri N. C. Chatterjee: May I have a little clarification? I am rather perturbed about what the Law Minister has said. Am I to understand that the Marriage Officer will have some kind of dispensing authority and say that a marriage between persons who have not attained eighteen or twenty-one years is quite a valid marriage?

Shri Biswas: No, no. He must certainly come to the conclusion that the parties are of that age. Suppose in point of fact, afterwards, it turns out that it is not so. The marriage may then be declared void. The words used are, he should be satisfied that the grounds mentioned in clause 4 have been fulfilled according to his judgment. That must be there. I am not suggesting that he has the power of relaxing the conditions.

Mr. Chairman: Does the hon. Member want me to put his amendment to the House?

Shri Tek Chand: Yes.

Mr. Chairman: The question is:

In page 4, line 34, *for* "not reasonable" *substitute* "false".

The motion was negatived.

Mr. Chairman: The question is:

In page 4, line 36, *for* "one thousand rupees" *substitute* "two hundred rupees".

The motion was negatived.

Mr. Chairman: That bars amendment No. 366. The question is:

In page 4, line 36, *for* "one thousand rupees" *substitute* "five hundred rupees".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10.—(Procedure on receipt of objection by Marriage Officer abroad)

Mr. Chairman: Clause 10. The only amendments which are sought to be moved are amendments numbers 428 and 429 in the name of Shri Sadhan Gupta.

Shri Bogawat (Ahmednagar South): The mover is not here.

Mr. Chairman: I shall put the clause to vote.

The question is:

"That clauses 10 and 11 stand part of the Bill."

The motion was adopted.

Clauses 10 and 11 were added to the Bill.

Clause 12.—(Place and form of solemnization)

Shri Tek Chand: I have an amendment.

Mr. Chairman: The following amendments have been taken to be moved: amendments 368, 254, 256, 369 and 401.

Shri H. G. Vaishnav: I beg to move:

In page 5, line 12,—omit "such conditions and the".

Shri Mulchand Dube (Farrukhabad Distt.—North): I beg to move:

(i) In page 5, line 14, *for* "may" *substitute* "shall".

(ii) In page 5, line 20, add at the end "and shall be faithful to thee for the rest of my life".

Shri Tek Chand: I beg to move:

In page 5, line 14, *after* "any" *insert* "recognised".

Shri Krishna Chandra: I beg to move:

In page 5, lines 10 to 13, omit:

"or at such other place within a reasonable distance therefrom as the parties may desire, and upon such conditions and the payment of such additional fees as may be prescribed."

Mr. Chairman: Amendments moved:

(1) In Page 5, line 12, omit "such conditions and the".

(2) In page 5, line 14, *for* "may" *substitute* "shall".

(3) In page 5, line 20, add at the end "and shall be faithful to thee for the rest of my life".

(4) In page 5, line 14, *after* "any" *insert* "recognised".

(5) In page 5, lines 10 to 13, omit:

"or at such other place within a reasonable distance therefrom as the parties may desire, and upon such conditions and the payment of such additional fees as may be prescribed."

Shri Tek Chand: In clause 12, subclause, the words as they are, run as follows:

"The marriage may be solemnized in any form which the parties may choose to adopt:"

[Shri Tek Chand]

My amendment is that the words "recognised" should be added between the words "any" and "form". That is to say, the marriage may be solemnized in any recognised form which the parties may choose to adopt. Marriage, after all, is a very solemn matter. So far as the recognised forms of marriage are concerned, they are very well known. That being the case, you cannot leave the choice of the form to the parties. The forms are left to the society. Society has evolved various forms of marriage. That being so, solemnization of marriage must be in a recognised form and not in any curious odd form that anybody may manufacture for the time being. Therefore, don't make the form of marriage into a farce, don't make it a laughing matter. The form must be a recognised form known to law, or usage as the case may be.

Shrimati Sushama Sen (Bhagalpur South): I support Shri Tek Chand's amendment that some recognised form should be added, instead of any form of marriage. The word 'recongnised' would not be out of place here.

Shri H. G. Vaishnav: Along with the amendment which is given by Shri Tek Chand which I support, I have also another amendment regarding this clause in which some words seem to be superfluous. My amendment is number 368 which asks for the deletion of some words in clause 12 which runs as follows:

> "The marriage may be solemnized at the office of the Marriage Officer, or at such other place within a reasonable distance therefrom as the parties may desire, and upon such conditions and the payment of such additional fees as may be prescribed."

Of course, fees etc., may be prescribed according to law. But, I do not understand the propriety of the words "upon such conditions". Is the Marriage Officer to impose certain conditions? These words seem to be rather superfluous and seem to give an extraordinary authority to the Marriage Officer. I want to know from the hon. Law Minister the propriety of these words 'upon such conditions'.

Shri Biswas: "Prescribed" means prescribed by the rules made under the Act. Government will make the rules.

Shri H. G. Vaishnav: Payment of fees could be prescribed. But, how can the conditions be prescribed? The conditions will be a question of contract between the parties. How can the rules impose conditions? My humble submission is that these words 'upon such conditions' are superfluous and should be omitted.

Shri K. K. Basu: Conditions also may be prescribed. Suppose somebody comes and says, we must go now. There may be a condition that at least 24 hours' or 12 hours' notice should be given.

Shri H. G. Vaishnav: How can the parties be subjected to conditions?

Shri Biswas: The matter is so obvious that it does not call for any reply.

Mr. Chairman: The question is:

In page 5, line 12, omit "such conditions and the".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, line 14, *for* "may" *substitute* "shall".

The motion was negatived.

Mr. Chairman: Amendment No. 256.

Shri Mulchand Dube: I want to speak on my amendments.

Mr. Chairman: I think he has missed his turn. I am putting the amendments to vote.

Shri Mulchand Dube: I did stand up; but I could not catch your eye.

Mr. Chairman: Which are the amendments?

Shri Mulchand Dube: Numbers 254 and 256.

2 P.M.

Mr. Chairman: But they have been taken as moved. The hon. Member did not stand then.

Shri Mulchand Dube: I did stand. Probably, I failed to catch your eye.

Mr. Chairman: Then he ought to have called my attention to it. Now I am sorry I cannot accommodate the hon. Member.

Shri Mulchand Dube: I should be allowed to say something.

Mr. Chairman: If the hon. Member so likes he can speak on the clause.

Shri Mulchand Dube: Yes, I shall speak on the clause.

Mr. Chairman: I shall put the other amendments to the vote of the House.

The question is:

In page 5, line 20, add at the end "and shall be faithful to thee for the rest of my life".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, line 14, *after* "any" *insert* "recognised".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, lines 10 to 13, omit:

> "or at such other place within a reasonable distance therefrom as the parties may desire, and upon such conditions and the payment of such additional fees as may be prescribed."

The motion was negatived.

Shri Mulchand Dube: By this clause, all the existing forms of marriage are being given the go-by. Therefore, it is necessary that the marriage under this Act should be defined, and it should also be further stated as to what are the mutual rights and obligations of the parties to the marriage, who celebrate or solemnize a marriage under this Act.

When we come to the clause on divorce, we find that there are certain conditions under which divorce should be allowed. But there are numerous other things which are not mentioned even in the clause relating to divorce. For instance, you may take the case of the maintenance and support of the wife. It is nowhere provided under this Act that the husband would be bound to maintain and support his wife. Supposing a husband were to say to the wife, well, you earn your own livelihood, I am not going to maintain you, and thus he does not treat her with all the consideration that is due to her, in that case what is to happen to the wife?

It is not even stated whether the union is to be permanent or only temporary. If we allow divorce by consent, it may be that the parties may just agree between themselves before the marriage that the union will be only for one month or two months or six months.

So, there are so many difficulties about it. It is absolutely necessary that the rights and obligations of the parties to the marriage should be clearly stated. We cannot go to any other law for that purpose. We cannot go to the Hindu law, we cannot go to the Mohammedan law, we cannot go to the Christian law, or for the matter of that, we cannot go even to the Parsi law. Therefore, it is absolutely necessary that the incidence of marriage, the conditions and the mutual rights and obligations of the marriage should be clearly specified.

Mr. Chairman: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

[Mr. Chairman]

Clause 14—(*New notice when marriage not solemnized within three months*)

Mr. Chairman: There is amendment No. 431 in the name of Shri Sadhan Gupta. The hon. Member is absent. So, I shall put the clause to the vote of the House.

The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 *was added to the Bill.*

Clauses 15 to 21 and 1.

Shri Tek Chand: I have got two amendments to this clause.

Mr. Chairman: I would request hon. Members to send in their amendments to clauses 15, 16, 17 and 18 to the Secretary within five minutes.

[SHRI PATASKAR *in the Chair*]

Shri Tek Chand: May I make a submission in regard to the two amendments standing in my name?

Mr. Chairman: The hon. Member may give the number of the amendments, and the clause to which they relate.

Shri Tek Chand: They are amendment Nos. 372 and 375.

I beg to move:

(i) In page 6, line 4, *after* 'marriage" *insert* "valid under law or custom having the force of law".

(ii) In page 6, lines 14 to 16, omit "unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two."

Pandit Thakur Das Bhargava (Gurgaon): I beg to move:

(1) in pages 5 and 6, for lines 46 to 48 and 1 to 3, respectively, *substitute*:

"15. *Registration of marriages celebrated in other forms*: Any marriage celebrated before the commencement of the Act and solemnized under the Special Marriage Act, 1872 (Act III of 1872) or otherwise but valid under the provisions of this Act may be registered under this chapter by a Marriage Officer in the territories to which this Act extends if the following conditions are fulfilled, namely:—".

(2) That in the amendment moved by me—

(i) *after* "otherwise" *insert* "except such as are solemnized and valid according to the personal law of the parties to the marriage or under any provision of law"; and

(ii) for "but valid under the provisions" substitute "which are valid under the provisions".

(3) In page 6, line 1, *after* "under this Act" *insert* "or under the personal law of the parties or under the provisions of any other law,"

There are a few others, and I have given the chits to the Secretary.

Shri N. C. Chatterjee: I beg to move:

In page 6, lines 14 to 16, omit "unless the law or any custom or usage having the force of law, governing each of the permits of a marriage between the two."

Shri Bogawat: I beg to move:

In page 6, line 11 *for* "twenty-one years" *substitute* "eighteen years".

I have mentioned in this amendment that the words 'eighteen years' be substituted in place of the words 'twenty-one years'. But I want to add the words 'of the girl' before the words 'eighteen years'. We have already accepted an amendment to the effect that in the case of the girl, the age should be eighteen. So, I want to add the words 'of the girl'.

Mr. Chairman: I follow what the hon. Member is saying.

Shri Dabhi (Kaira North): I beg to move:

(i) In page 6, lines 14 to 16, omit—

"unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two."

(ii) In page 6, *for* lines 13 to 16, *substitute*:

"(e) the parties are not within the degrees of prohibited relationship:

Provided that in the case of a marriage celebrated before the commencement of this Act, this condition shall be subject to any law, custom or usage having the force of law governing each of them which permits of a marriage between the two; and"

Shri Raghavachari (Penukonda): I beg to move:

In page 5, line 47, *for* "celebrated" *substitute* "solemnized".

Shri V. G. Deshpande (Guna): I beg to move:

In page 6, after line 20, add:

"(g) the parties have presented to the Marriage Officer along with the application as provided in clause 16 hereafter certificates by qualified medical practitioner or practitioners that neither of them is an idiot or a lunatic or impotent or a leper or is suffering from any venereal disease."

Shri N. C. Chatterjee: I beg to move:

In page 5, line 48, *after* "other than" *insert*:

"a sacramental marriage solemnized under Hindu Law or any custom or usage having the force of law and".

Shri M. L. Agrawal: I beg to move:

(i) In page 5, line 47, *for* "whether before or after" *substitute* "before".

(ii) In page 6, lines 14 to 16, omit—

"unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two."

Shri K. R. Sharma (Meerut Distt.—West): I beg to move:

In page 6, line 1, *after* "under this Act", *insert* "or under the personal law of the parties where both the parties are subject to the same personal law,"

Dr. Rama Rao (Kakinada): I beg to move:

In page 6, line 18, *for* "thirty days" *substitute* "fourteen days".

May I move amendment No. 76 also, which is not in my name?

Mr. Chairman: Let the hon. Member move only those that are in his name. There are enough of amendments already.

Dr. Jaisoorya (Medak): I beg to move:

In page 6, line 6, *for* "ever since" *substitute*:

"of their own free will and consent at the time of registration;".

Shrimati Jayashri (Bombay—Suburban): I beg to move:

(1) In page 6, line 6, add at the end "temporary absence not being taken into account."

In page 6, after line 10, insert "(cc) the woman is not an akanya".

Pandit Thakur Das Bhargava: I believe you are taking amendments only to clause 15. Or are you taking the amendments to clauses 16 to 18 as well?

Mr. Chairman: Only clause 15 for the present.

Shri N. C. Chatterjee: Let us take only clause 15 first. Let us not confuse others.

Shri C. C. Shah: It is convenient to deal with clause 15 in the first instance.

Pandit Thakur Das Bhargava: We have appropriated for clauses 15 to 18, clause 1, and certain other clauses like clause 18-A, 18-B, 18-C etc., a

[Pandit Thakur Das Bhargava]

period of four hours as you will see from the Parliamentary Bulletin. These are to be debated within that period.

Shri N. C. Chatterjee: The bulk of the debate will be concentrated on clause 15. So, I do not think we should have to impinge on the other clauses, namely clauses 19 to 21, because they are parts of the same thing.

Pandit Thakur Das Bhargava: As a matter of fact, I would also like it. The House had agreed that in all seven hours should be given to all these clauses. If we are to discuss clause 15, it will involve a discussion of clauses 19, 20 and 21 also, for without discussing them, we will not be able to discuss clause 15.

Mr. Chairman: The Business Advisory Committee have given four hours only for clauses 15 to 18. It is a very exciting discussion or debate as to what the powers are. I do not agree with everything that may or may not be said. The point is that it would be much better to confine our discussion only to these clauses. The only question before me is whether within these four hours, we shall finish clauses 16 to 18 also.

Shri N. C. Chatterjee: We would not exceed the limit that Pandit Thakur Das Bhargava is saying. Even if we trespass beyond four hours in respect of these clauses, still that would not affect the position, because when we come to clauses 19 to 21, we shall have seven hours altogether, and we would not go beyond seven hours. It is only a question of allocation of time between Chapter III and Chapter IV of the Bill. We shall finish both within seven hours.

Mr. Chairman: Is it not better to confine ourselves at present only to clause 15?

Some Hon. Members: Yes.

Pandit Thakur Das Bhargava: Yes, but at the same time, I should think that the discussion of clauses 18 to 20 must also take place at the time when clause 15 is being debated, because these are consequences of that legislation. How can we discuss the legislation alone leaving aside the consequences? As a matter of fact, the entire time to be taken is 7 hours. I would therefore request the House to agree that within these 7 hours, we must finish up till clause 21.

Mr. Chairman: Does the House agree that from clause 15 to clause 21, we should take in all 7 hours? What does the hon. Minister say? I would like to hear him.

Shri Biswas: I have no objection. I am here to explain my point of view. Let us proceed with clause 15 and if any refrence to the other clauses is made, that should be permitted. That is all I can say. If you lump together all the clauses and increase the allotment collectively to 7 hours instead of distributing the time between the two sets, it is entirely a matter for the House. I will not stand in the way.

Shri C. C. Shah: I only wish to point out that even if the whole of Chapter III were deleted, Chapter IV would stand independently of Chapter III. Undoubtedly, if Chapter III stands, certain consequences follow from clauses 19, 20 and 21. Clauses 19, 20 and 21 do not entirely depend upon Chapter III, but a reference will have to be made to them in the discussion. I would submit that clause 15 is the most important of this group. First of all, let us confine ourselves to clause 15. Clauses 16 and 17 are consequential or procedural. Clause 18 is important. So in this group, 4 hours might be devoted to clauses 15 and 18 which are the only important clauses.

Mr. Chairman: Let us now proceed keeping in view the fact that the time that is alloted is 4 hours for clauses 15 to 18 and 3 hours for clauses 19 to 21. I think it would be better if we confine ourselves to a discussion of the amendments to clause 15 only for the time being.

Shri C. R. Chowdary (Narasaraopet): I beg to move:

In page 6, *for* lines 11 and 12, *substitute*:

"(d) the male has completed the age of twenty-one and the female the age of eighteen at the time of registration."

Mr. Chairman: The following are the amendments which have been moved and which I am placing before the House.

Amendments moved:

(1) In page 6, line 4, *after* "marriage" *insert* "valid under law or custom having the force of law".

(2) In page 6, lines 14 to 16, *omit* "unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two".

(3) In apges 5 and 6, *for* lines 46 to 48 and 1 to 3 respectively, *substitute*:

"15. *Registration of marriages celebrated in other forms.*—Any marriage celebrated before the commencement of the Act and solemnized under the Special Marriage Act 1872 (Act III of 1872) or otherwise but valid under the provisions of this Act may be registered under this chapter by a Marriage Officer in the territories to which this Act extends if the following conditions are fulfilled, namely:—"

(4) That in the amendment moved by Pandit Thakur Das Bhargava—

(i) *after* "otherwise" *insert* "except such as are solemnized and valid according to the personal law of the parties to the marriage or under any provision of law"; and

(ii) *for* "but valid under the provisions" *substitute* "which are valid under the provisions".

(5) In page 6, line 1, *after* "under this Act" *insert* "or under the personal law of the parties or under the provisions of any other law."

(6) In page 6, lines 14 to 16, *omit* "unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two."

(7) In page 6, line 11, *for* "twenty-one years" *substitute* "eighteen years".

(8) In page 6, *for* lines 13 to 16, *substitute*:

"(e) the parties are not within the degrees of prohibited relationship:

Provided that in the case of a marriage celebrated before the commencement of this Act, this condition shall be subject to any law, custom or usage having the force of law governing each of them which permits of a marriage between the two; and"

(9) In page 5, line 47, *for* "celebrated" *substitute* "solemnized".

(10) In page 6, *after* line 20, *add*:

"(g) the parties have presented to the Marriage Officer along with the application as provided in clause 16 hereafter certificates by qualified medical practitioner or practitioners that neither of them is an idiot or a lunatic or impotent or a leper or is suffering from any venereal disease."

(11) In page 5, line 48, *after* "other than" *insert*:

"a sacramental marriage solemnized under Hindu law or any custom or usage having the force of law and".

(12) In page 5, line 47, *for* "whether before or after", *substitute* "before".

(13) In page 6, lines 14 to 16, *omit* "unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two."

(14) In page 6, line 1, *after* "under this Act", *insert* "or under the personal law of the parties where both the parties are subject to the same personal law."

[Mr.Chairman]

(15) In page 6, line 18, *for* "thirty days" *substitute* "fourteen days".

(16) In page 6, line 6, *for* "ever since" *substitute*:

"of their own free will and consent at the time of registration;".

(17) In page 6, line 6, *add* at the end "temporary absence not being taken into account."

(18) In page 6, *after* line 10, *insert* "(cc) the woman is not an akanya;"

(19) In page 6, *for* lines 11 and 12, *substitute*:

"(d) the male has completed the age of twenty-one and the female the age of eighteen at the time of registration;".

पंडित ठाकुर दास भार्गव : जनाब चेयरमैन साहब, यह जो चैप्टर तीन हैं, इसके लिये मैंने एक अमेंडमेंट दी थी कि जिसकी रू से मैंने यह चाहा था कि इस चैप्टर तीन को सारे बिल में से निकाल दिया जाय और इसके बजाय जो मैंने अमेंडमेंट दिया था वह रख दिया जाय लेकिन शायद रूल्स ऐसे हैं जिनकी रू से वह अमेंडमेंट पेपर पर नहीं रक्खा जा सकता था । मेरी मंशा यह थी कि ऐसी शादियां जो कि पहले हो चुकी हैं और जो जायज हैं उनको दुबारा रजिस्टर करने का कोई कानून इस तरह का न बनाया जाय और मैं अभी जनाब की खिदमत में चन्द वजूहात अर्ज करूंगा जिनकी वजह से रजिस्ट्रेशन आफ मैरिजेज जो कि पर्सनल ला के मातहत हुई हों या और किसी एक्ट के मातहत हुई हों और जो जायज हों उनके रजिस्ट्रेशन के मैं क्यों वरखिलाफ हूं । असल में यह बहस किसी कदर एक निगेटिव तरीके से हो रही है । फर्ज तो उनका था जो यह चाहते हैं कि एक शादी मजहबी है, वैलिड है लेकिन ताहम चाहते हैं कि कोई और तरीके से उनकी रजिस्ट्री कर दी जाय, एक नया इन्नोवेशन जो शायद दुनिया के किसी कौम के कानून में ऐसा नहीं होगा कि एक जायज शादी को दुबारा रजिस्टर किया जाय । जो और जगह रजिस्ट्रेशन होता है वह स्टैटिस्टिकल परपजेज के वास्ते होता है । रजिस्ट्रेशन आफ मैरिजेज सभी जगह होता है, मुस्लिम ला में होता है, पारसी ला में होता है और हिन्दू ला में भी हम उसको करने लगे हैं, लेकिन इस किस्म का रजिस्ट्रेशन उन शादियों का जो पहले हो चुकी हों, जायज शादियां हों जिनके मुताल्लिक इंसीडेंट्स और कानूनी नोशंज हमको मालूम हैं, उनके कानूनी नोशंस को तबदील किया जाय, इस तरह का रजिस्ट्रेशन शायद कहीं किसी कानून में नहीं है, चूंकि मेरा इल्म महदूद है, इसलिये मैं शायद लफ्ज इस्तेमाल करता हूं । मैं इस चीज को कतई मुनासिब और जायज नहीं समझता कि एक शादी को फिर दुबारा एक नये हुकूक के साथ उसको वावस्ता किया जाय । चुनांचे मैं यह अर्ज कर रहा था कि यह बर्डन उनके जिम्मे होना चाहिये था कि जो चाहते हैं कि इस किस्म का प्राविजन करें । सारे देशों के कानूनों का आप मुलाहिजा फरमायें किसी कानून में इस किस्म की तजवीज आपको नहीं मिलेगी । सिर्फ एक जगह एक तजवीज यह रक्खी गयी थी और मैं समझता हूं कि उसी तजवीज से यह सारी की सारी इसने शक्ल अख्तियार की है कि अब ऐसी शास्त्रिक मैरिजेज को मुस्लिम ला मैरिजेज को, क्रिश्चयन ला की मैरिजेज इन सबको रजिस्टर किया जा सकता है और वह तजवीज पहले पहल जिस शक्ल में आई थी वह हिन्दू कोड बिल में आई थी । उस हिन्दू कोड बिल में सफे २१ पर जो पुराना हिन्दू कोड मेरे पास है उसके सफे २१ पर दर्ज है कि वह किस तरह से चाहते थे कि रजिस्ट्रेशन हो । रजिस्ट्रेशन आफ धार्मिक मैरिजेज, रजिस्ट्रेशन आफ सैक्रामेंटल मैरिजेज और मैं जनाब की इजाजत से पढ़ कर सुनाये देता हूं :

"Where any two Hindus have gone through a sacramental form of marriage—

(a) before the commencement of this Code, and doubts are entertained as respects the validity of any such marriage by reasons of the provisions of any text, rule or interpretation of Hindu Law or

any usage or custom in force at the time of the marriage, or

(b) after the commencement of this Code, and such marriage is valid in reason of the fact that it is in contravention of the provisions contained in clause (5) of section 7,

such persons may, at any time, apply to the Registrar of the district in which either of them has resided for not less than thirty days immediately preceding the application to have their marriage registered as if it were a civil marriage solemnized before the Registrar".

फिर इसके आगे चलते हैं जिससे यह साफ मंशा जाहिर होती हैं कि हिन्दू कोड बिल में दो तरह की शादियां रखना मकसूद थीं । धार्मिक मैरिजेज और दूसरी सिविल मैरिजेज । सिविल मैरिजेज में वह धार्मिक मैरिजेज आती हैं जो डाउटफुल वैलेडिटी की होती हैं, इसके ऊपर भी हमको सख्त एतराज था, कि किसी कस्टम को अनडू करने के वास्ते सिविल मैरिज करायें । मेरे कहने का यह मतलब नहीं हैं और मैं यह नहीं चाहता कि जहां तक हिन्दू ला का सवाल हैं सारी सैक्रामेंटल किस्म की मैरिजेज हों, लेकिन ताहम यह दो तजवीजें ऐसी थीं जिनको सिविल कोड के अन्दर हिन्दू ला के अन्दर रखने की वजह यह मैरिज हो सकती हैं जिनकी कि डाउटफुल वैलेडिटी हो और वह हिन्दूपने से निकल न जांय और यह तजवीज ऐसे लोगों के वास्ते रक्खी गयी हैं कि जिनकी मैरिज कस्टम के लिहाज से नाजायज होती थी, प्राहिबूटेड डिग्रीज में आती हों उनकी मैरिज को किसी हद तक जायज रखने के वास्ते जो एक बहुत प्राग्रेसिव एलीमेंट था और तेजी से चलना चाहता था उनको रोप करने के वास्ते यह नम्बर दो की तजवीज रक्खी गयी हैं । मेरा तो कहना हैं कि जो मैरिजेज बिल्कुल वैलिड हैं, कानूनन दुरुस्त हैं, उनको रजिस्टर कराने की कोई जरूरत नहीं हैं और मुझे इस पर सख्त एतराज हैं । अब, जनाववाला, जो कोशिश की जाती हैं वह दो तीन तरह की मैरिजेज को शामिल करने की की जाती हैं । अगर आप दफा १५ का मुलाहजा फरमायेंगे तो उस में लिखा हुआ हैं :

"Any marriage celebrated, whether before or after the commencement of this Act, other than a marriage solemnized under the Special Marriage Act, (III of 1872), or under this Act, may be registered under the Chapter by a Marriage Officer in the territories to which this Act extends if the following conditions are fulfilled, namely:—

(a) a ceremony of marriage has been performed between the parties and they have been living together as husband and wife ever since;

(b) neither party has at the time of registration more thane one spouse living;

(c) neither party is an idiot or a lunatic at the time of registration; etc., etc.,"

और इस में आगे हर कस्टम का जिक्र हैं । तो मेरी अदब से गुजारिश यह हैं कि यह फिल वाकया उन मैरिजेज को एप्लाई होता हैं जो कि स्पेशल मैरिज एक्ट के नीचे डाउटफुल हैं लेकिन उन कंडिशन्स को जो कि इस बिल में दी हुई हैं, पूरी करती हैं । उन के बारे में मैं अर्ज करता हूं कि मैं आनरेबल मिनिस्टर साहब के मुकाबले में भी एक कदम आगे जाने को तैयार हूं । मैं चाहता हूं कि वह सारी मैरिजेज जो डाउटफुल हैं, वह सारी मैरिजेज जो कि एक्ट ३ सन् १८७२ के नीचे नहीं हो सकती हैं, मसलन् एक हिन्दू और एक मुसलमान की, एक मुसलमान और एक पारसी की, या हिन्दू और पारसी की, वगैरह वगैरह.....

Pandit K. C. Sharma: May I seek one information? What is a doubtful marriage and who is to decide whether it is a doubtful marriage?

पंडित ठाकुर दास भार्गव : मेरे दोस्त ने इतना खूबसूरत क्लैरिफिकेशन पूछा हैं कि उस का जवाब वह अपने दिल से लें तो ज्यादा अच्छा हैं ।

Pandit K. C. Sharma: My marriage is not doubtful.

Pandit Thakur Das Bhargava: Your marriage is under no doubt. The point is, even if a marriage takes place under Act III of 1872 which is of doubtful validity—or even it is invalid under that Act—it is valid under this.

Pandit K. C. Sharma: A man and a woman can say that under a certain agreement, under a certain contract they take each other as husband and wife. So far as they two are concerned, the marriage is valid under the law.

Pandit Thakur Das Bhargava: Exactly wrong, Sir.

Pandit K. C. Sharma: In Bombay it is so.

Pandit Thakur Das Bhargava: We are not concerned with Bombay alone. This is too broad a statement he is making. Now two persons can say, 'you are my husband and I am your wife' and that is a valid marriage. I am sorry such a statement should have come from my hon. friend who is a lawyer.

मैं यह अर्ज कर रहा था कि जो मैरिजेज डाउटफुल हैं एक्ट ३, सन् १८७२ के मातहत, उसके अल्फाज के मातहत जो मैरिजेज नहीं हो सकती थीं, जैसी कि मैं ने मिसाल दी हैं, हिन्दू की मुसलमान के साथ, मुसलमान की पारसी के साथ या मुसलमान की क्रिश्चियन के साथ, वह राव की सब अगर इस एक्ट के नीचे रजिस्टर हो जायें तो मुझे किसी किस्म का एतराज नहीं हैं। मैं भी तो एक कदम आगे जाना चाहता हूं। हर एक वकील को मालूम हैं कि हमारे एविडेन्स एक्ट में अगर एक अर्से तक एक मर्द और एक औरत खाविन्द और बीवी के रहें तो यह प्रिजम्शन रहता हैं कि चूंकि वह कुछ देर तक इस तरह से रह लिये इस लिये उन की शादी हो चुकी हैं। इस के अन्दर सेरिमनीज का साबित करना मुश्किल हो जाता हैं, लेकिन ला का प्रिजम्शन हो जाता हैं कि शादी हुई होगी। मैं तो इस हद तक भी जाने को तैयार हूं क्योंकि हम बहुत जेलस हैं कि इस तरह की शादियां रिकग्नाइज की जायें, प्रोत्साहित की जावें। मैं उन उसूलों के कन्सिस्टेंट यह चाहता हूं कि वह शादियां जिन के वास्ते अब तक कानून मौजूद नहीं था, वह शादियां जो इन चार पांच बातों के खिलाफ नहीं हैं, उन सब शादियों को रजिस्टर किया जाय। मुझे इस में कोई एतराज नहीं हैं। मुझे एतराज हैं उन शादियों के रजिस्टर होने में जो कि पर्सनल ला पार्टीज की होती हैं। इन शादियों को रजिस्टर होना सिर्फ गैर जरूरी ही नहीं बल्कि एक तरह से मुझ को बिल्कुल नाजायज मालूम होता हैं। अब इस के बारे में मैं आप की खिदमत में चन्द वजूहात बयान करता हूं।

जो अश्खास चाहते हैं कि उन की मैरिज रजिस्टर हो जाय, उन की दो गरज मालूम होती हैं। एक तो वह यह चाहते हैं कि इस बिल के अन्दर जो डाइवोर्स का प्राविजन हैं, उस को वह अवेल आफ कर सकें। दूसरी वजह यह हो सकती हैं। मौजूदा चन्द अश्खास की राय के मुताबिक यह जो सक्सेशन एक्ट हैं, उस में सक्सेशन का जो तरीका दिया हुआ हैं वह बहुत लिबरल हैं और उनके ख्याल से औरतों को, बेवा को और लड़कियों को किसी कदर ज्यादा फायदा देता हैं दूसरों के मुकाबले में। यही दो वजूहात हो सकती हैं जिन को मैं सोच सकता हूं कि जिन की वजह से लोग रजिस्टर कराना चाहेंगे। अगर यह दोनों वजूहात दुरुस्त भी हों तो भी मैं इस के खिलाफ हूं। आज एक शख्स ने शादी कर लिया। एक मुसलमान ने शरियत के मुताबिक कर लिया, एक क्रिश्चियन ने अपनी किताब के मुताबिक शादी कर लिया, तो मैं इस के हक में नहीं हूं कि वह एंगेजमेन्ट के जरिये अपने पर्सनल ला को खैरबाद कह सकें। ऐसी चीज आप आइन्दा के वास्ते बना लें। आज दुनियां के अन्दर कहीं ऐसा कानून नहीं हैं कि जिस में यह हो सकता हो। हां, अगर यह दोनों बातें

दुरुस्त हो जायें तो शायद कोई फायदा हो जाय और उस के रजिस्ट्रेशन की लोग मांग पसन्द करें, लेकिन मैं यह कहने को तैयार हूं कि वह दोनों बातें भी गलत हैं ।

सब से अव्वल मैं डाइवोर्स प्राविजन की निस्बत कहना चाहता हूं क्योंकि जो डाइवोर्स का सवाल है सिवा थोड़ी सी ऊपर की क्लासेज के हिन्दू सिस्टम में सब जगह डाइवोर्स मौजूद हैं । मुसलमानों के अन्दर भी डाइवोर्स का कानून मौजूद है, जो कानून हम मैरेज एंड डाइवोर्स का हम आइन्दा बनाने जा रहे हैं वह किसी कदर सख्त हो जायेगा उन अय्याश के लिये जो कि आज कल डाइवोर्स करते हैं । इसी तरह से क्रिश्चियन ला में उन में भी डाइवोर्स का कस्टम है । इन तीनों में डाइवोर्स मौजूद है, लेकिन जो कानून हम बनाने लगे हैं, जिस की सेलेक्ट कमेटी मुकर्रर हो चुकी है, उसके अन्दर डाइवोर्स को रिकग्नाइज किया जा रहा है । मैं जानता हूं कि शायद उस के प्राविजन्स शायद इस कदर लिबरल न हों एक चीज में, बाई एग्रिमेन्ट उन का डाइवोर्स हो सके या न हो सके, उस को छोड़ कर तकरीबन डाइवोर्स उन्हीं बेसिस पर और एक तरह से एलाइड से होंगे जैसे कि इस के अन्दर प्राविजन्स हैं । तो मैं अर्ज करूंगा कि आज यह ख्याल कि हम को डाइवोर्स के इस बिल से फायदा हो जावेगा यह ठीक नहीं है । मैं नहीं चाहता कि यह जो बिल टुकड़े टुकड़े कर के आ रहा है उस के अन्दर हम सिर्फ अपने पुराने कानून को कोडिफाई कर दें । मैं सिर्फ उस को कोडिफाई नहीं करना चाहता । बल्कि सच बात तो यह है कि हम को मान लेना चाहिये और ईमानदारी से मान लेना चाहिये कि हम हिन्दू ला में बड़ी जोरों की तब्दीली करने के वास्ते तुले हुए हैं । पुरानी बातें जो आज जमाने की रफ्तार में नहीं हैं, हम उन को तब्दील कर रहे हैं । जो बिल हाउस के सामने हैं उस के अन्दर सारे प्राविजन्स डाइवोर्स वगैरह के आयेंगे । तो मैं समझता हूं कि जहां तक डाइवोर्स का सवाल है वह वैसे ही अवेलेबल होगा जैसे कि इस के अन्दर हैं ।

दूसरा सवाल रह जाता है सक्सेशन का । मैं अर्ज करना चाहता हूं कि मुझे डर है कि बहुत से दोस्तों ने अब तक सक्सेशन एक्ट की उन दफात को जो लागू होंगी न तो अच्छी तरह समझा है और न अच्छी तरह उन को पढ़ा ही है क्योंकि वह सक्सेशन एक्ट आम तौर पर लोगों में रायज नहीं है और वह सक्सेशन एक्ट अपनी नवैयत से एक किस्म से ऐसा है कि उसे आम तौर पर लोग समझ भी नहीं सकते हैं । मैं आप की तवज्जह इस तरफ दिलाना चाहता हूं कि अगर मुझे कोई यह आप्शन दे कि मैं हिन्दू ला से गवर्न होना चाहता हूं या सक्सेशन ला से, या मुसलिम ला से या कि अपने पर्सनल ला से, या कोई पब्लिक में जा कर लोगों से पूछे कि वह किस से गवर्न होना चाहते हैं तो मैं निहायत अदब से अर्ज करूंगा कि ९९ फीसदी आदमी यह कहेंगे कि हम अपने पर्सनल ला से गवर्न होना चाहते हैं । आखिर पर्सनल ला एक ऐसी चीज नहीं है जो कि रोज रोज बदला जा सकता है और रोज रोज छोड़ा जा सकता है । एक आदमी का पर्सनल ला हजारों बरस में बनता है, हजारों बरस के ट्रेडिशंज मौजूद हैं, हजारों बरस की हिस्ट्री मौजूद है, हजारों बरस में जो पर्सनल ला बना है वह सब को प्यारा है और उसे हम इस तरह से हटा नहीं सकते । जैसे किसी आदमी की डोमिसाईल या नेशनेलिटी उस को शैडो करती है उसी तरह से उस का पर्सनल ला भी उस के साथ साथ जाता है जब तक वह किसी रैंच के जरिये या किसी दीगर वजूहात से तब्दील न किया जाय । इस वजह से मैं अर्ज करना चाहता हूं कि हर एक आदमी अपने पर्सनल ला को, चाहे उस में कितना ही डिफेक्ट हो, उस को हमेशा रखना चाहता है । इस खास कानून से सीधे तरीके से नहीं बल्कि इन्डारेक्टली (Indirectly) आज हम इस कानून की रू से सब के पर्सनल ला को हिन्दू ला, मुसलिम ला, पारसी ला, और जो दूसरे ला हैं, उन सब में तब्दीली करने चले हैं यह दुरुस्त नहीं है । मेरे हाथ में वह गजट मौजूद है जिस के अन्दर आनरेबल मिनिस्टर साहब ने हिन्दू सक्सेशन एक्ट के नये मिस्वदे को शाया किया है । जो बिल दूसरे हाउस में इन्ट्रोड्यूस हो चुका है

[पंडित ठाकुर दास भार्गव]

या होने वाला है, उस का मस्विदा मेरे पास मौजूद है जो कि २६ मई, सन् १९५४ के गजट में छपा है। मेरे हाथ में पुराना हिन्दू कोड बिल भी मौजूद है। इसमें वे बहुत सारी चीजें दी हुई हैं जो कि सक्सेशन एक्ट में आने वाली हैं। इसलिए हिन्दू सक्सेशन एक्ट में जो बेवा को हुकूक मिलेंगे या हिन्दू सक्सेशन ला में हम करने वाले हैं या जो आज हिन्दू, मुसलमान या पारसी ला के अन्दर हुकूक हैं उनको आप देखें कि आज क्या शक्ल है। पेशतर इसके कि मैं इन प्रावीजन्स की तरफ आपकी तवज्जह दिलाऊं मैं यह अर्ज करना चाहता हूं कि यह सक्सेशन एक्ट न हिन्दुओं के लिए, न मुसलमानों के लिए और न किसी और के लिये बना था। इस सक्सेशन एक्ट में साफ लिखा हुआ है कि यह न हिन्दुओं को एप्लाई करेगा, न मुसलमानों को एप्लाई करेगा। चुनांचे मैं जनाब की इजाजत से इसके चन्द प्रावीजन्स का रेफरेंस देना चाहता हूं। इसकी दफा ४ में यह दिया हुआ है :

Section (4)

"This Part shall not apply if the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina."

Section (20)

"This section shall not apply, and shall be deemed never to have applied, to any marriage one or both of the parties to which professed at the time of the marriage the Hindu, Mohammadan, Buddhist, Sikh or Jaina religion."

Section (23)

"Nothing in this Part shall apply to any will made or intestacy occurring before the first day of January, 1866, or to intestate or testamentary succession to the property of any Hindu, Muhammadan, Buddhist, Sikh, Jaina or Parsi."

आगे जनाब वाला सेक्शन २९ को देखें जिसको इगार दोस्त शुरू करने वाले हैं :

Section (29)

"This part shall not apply to any intestacy occurring before the first day of January, 1866, or to the property of any Hindu, Muhammadan, Buddhist, Sikh or Jaina."

33A (5) (iii)

"This section shall not apply to any person professing the Hindu, Buddhist, Sikh or Jaina religion the succession to whose property is, under section 24 of the Special Marriage Act, 1872, regulated by the provisions of this Act."

जगह बजगह यह लिखा हुआ है कि हिन्दू, मुसलमान वगैरह किसी को एप्लाई नहीं करेगा। पेशतर इसके कि मैं इसके प्रावीजन्स की तरफ तवज्जह दिलाऊं मैं यह पूछना चाहता हूं कि एक्ट ३ सन् १८७२ बराबर लागू रहा जबतक कि सन् २२ में वह अमेंड नहीं हो गया, तो इन पचास वर्षों तक कौनसा कानून था जो ऐसी शादियों को करने वालों को लागू होता था। मैं अदब से अर्ज करूंगा कि हिन्दुओं के लिए हिन्दू ला और मुसलमानों के लिए मुस्लिम ला लागू होता था। चुनांचे हालांकि इस एक्ट के मातहत शादी करने पर एक हिन्दू यह कहता था कि वह हिन्दू नहीं है तो भी उसकी सब चीजों में हिन्दू ला एप्लाई होता था। फिर पचास साल बाद उस कानून में जो अमेंडमेंट हुआ उसमें कुछ ऐसी खराब बातें आ गयीं कि जो आज हमको पीछे ले जाने वाली साबित हो रही हैं। जब सन् १९२२ में इसकी तरमीम हुई तो उस वक्त मैं मौजूद था। उस वक्त किसी नान आफिशियल को यह नहीं होता था कि उसका बिल पास हो जाय। उस वक्त गौड़ साहब एक बिल लाये थे। उस पर जब सिलेक्ट कमेटी की रिपोर्ट आयी तो हाउस के अन्दर उनकी ही पार्टी के मेम्बरों ने कहा कि इसको नामंजूर कर दिया जाय लेकिन गौड़ साहब चाहते थे कि एक बिल उनके नाम से भी पास हो जाय और इसलिए उन्होंने इसमें चार पांच

ऐसी चीजें मंजूर कर लीं जो ह्यूमिलिएटिंग थीं । ह्यूरोक्रेसी वाले यह चाहते थे कि ऐसी चीजें इसमें आ जायं जो किसी हिन्दू या मुसलमान को मंजूर न हों । अगर वह इसमें शादी करें तो एडाप्शन से दूर हो जाय और (Joint Hindu Family) मशतरका खांदान से दूर हो जाय और सक्सेशन एक्ट से गवर्न हो । उन्होंने तीन चार ऐसी चीजें मंजूर कर लीं जो कि ठीक नहीं थीं सिर्फ इस बात के लिए कि शादी करने वाले को झूठ न बोलना पड़े कि वह हिन्दू नहीं हैं । जैसा कि उसको पहले एक्ट में झूठ बोलना पड़ता था कि वह हिन्दू नहीं हैं । अगले एक्ट में यह था कि अगर कोई हिन्दू किसी मुसलमान लड़की से शादी करे तो उसे यह कहना पड़ता था कि मैं हिन्दू ला को नहीं मानता । जब आप इस बिल को ला रहे हैं तो मैं चाहता हूं कि ज्यादा से ज्यादा लोग इंटर मैरिज करें । अगर मैं इसको बुरा समझता तो इसका विरोध कर सकता था । लेकिन मैं यह समझने से कासिर हूं कि अगर कोई शख्स अपने रिलीजन से बाहर शादी करे तो वह अपने परसनल ला को क्यों खैरबाद कह दे । तो मैं यह चाहता हूं कि जो हिन्दू और मुसलमान अपने मजहब से बाहर शादी करें वे अपने मजहब को न छोड़ें । अगर आप उनको अपने मजहब को छोड़ने को मजबूर करेंगे तो यह तो एक बहुत बड़ा रैंच होगा । आपको ऐसे हालात न पैदा करने चाहिएं कि वे एक काम को करते हुए यह समझें कि उसके अन्दर कुछ खराबी कर रहे हैं । मैं जनाब की खिदमत में विडो के बारे में अर्ज करना चाहता हूं कि उसकी हालत सक्सेशन एक्ट में क्या है और हिन्दू ला में क्या है । सक्सेशन ला के मुताबिक अगर एक शख्स मर जाय तो उसकी बेवा को उसकी जायदाद का एक तिहाई हिस्सा मिलेगा अगर उसके लीनियल डिसेंडेंट हों । और अगर उसके लीनियल डिसेंडेंट न हों तो उसको मिलेगा आधा बशर्ते कि उसके दूर के रिश्तेदार मौजूद हों । मैं हाउस की खिदमत में अदब से अर्ज करूंगा कि वह इस बात को जहन नशीन कर लें । आज देशमुख एक्ट, १९ सन् २७ की रू से एक बेवा को अपने खाविंद की जायदाद में से अपने लड़के के बराबर का हिस्सा मिलता है । लड़के को, लड़के की बेवा को और उस बेवा को बराबर हक मिलता है । और अगर उनमें से यानी पहले ग्रुप वालों में से कोई और न हो, लड़का न हो और कोई और न हो तो आज बेवा को सारी जायदाद अपने खाविंद की मिलती है ।

Shri Cr. C. Shah: It will be limited estate'.

Pandit Thakur Das Bhargava: I will come to that just now. In the Hindu Succession Bill we are doing away with this 'limited estate' for ever.

लेकिन इस सक्सेशन एक्ट की रू से अगर किसी के दूर का भी कोई रिश्तेदार हो तो उस बेवा को आधे से ज्यादा नहीं मिलता । इस नये बिल के मुताबिक जो सक्सेशन होगा, जिसको कि आनरेबल मिनिस्टर राज्य सभा में पेश कर चुके हैं या पेश करने वाले हैं, उसमें अगर किसी शख्स के औलाद न हो तो उसकी बेवा को कुल जायदाद मिलेगी और किसी शख्स को कुछ नहीं मिलेगा । लेकिन सक्सेशन एक्ट की रू से उस बेवा को आधे से ज्यादा जायदाद नहीं मिल सकती । तो मैं अदब से पूछना चाहता हूं कि कौन सी सूरत में उस बेवा को ज्यादा फायदा है, सक्सेशन एक्ट में या नये हिन्दू कोड बिल में जो हम बनाने जा रहे हैं या डाक्टर अम्बेडकर के बिल में या परसनल ला में । अभी मैं लिमिटेड एस्टेट के मामले को छोड़ता हूं । उस पर मैं बाद को आऊंगा ।

मैं अगली बात पूछता हूं कि हिन्दू ला की रू से बेवा को एक हिस्सा मिलेगा और अगर उसके चार लड़के हैं तो बेवा को पांचवां हिस्सा मिलेगा और सब को पांचवां पांचवां हिस्सा मिलेगा । अगर एक लड़का है तो आधा आधा मिलेगा । इसलिए मेरी अदब से गुजारिश है कि जो आज का हिन्दू ला है उसको तबदील न किया जाय । यह सक्सेशन एक्ट से बहुत बेहतर है और कोई वजह नहीं कि जो अपने परसनल ला से गवर्न होना चाहते हैं उनको सक्सेशन एक्ट से उनकी मर्जी के खिलाफ गवर्न किया जाय ।

[पंडित ठाकुर दास भार्गव]

अब आप इसको लड़की के पाइंट आफ व्यू से मुलाहिजा फरमाइये । हम जो हिन्दू कानून बनाने लगे हैं उसमें जहां तक डा० अम्बेडकर के बिल का ताल्लुक है लड़की और लड़के के सक्सेशन में कोई फर्क नहीं है । जितना विडो को मिलेगा उतना ही लड़के को और उतना ही लड़की को मिलेगा । अगर इनमें से कोई मौजूद नहीं होगा, अगर बेवा नहीं है और लड़का नहीं है तो सारी जायदाद लड़की को मिलेगी । मैं अदब से अर्ज करना चाहता हूं कि हिन्दू ला भी यही है कि लड़की को ऐसे हालात में जायदाद मिले । तो आप किस चीज के पीछे भागे जा रहे हैं ? क्या चीज है सक्सेशन एक्ट में जिसके पीछे यह भागे जा रहे हैं । मैं आपको कई खराबियां बतलाऊंगा लेकिन मैं पूछता हूं कि सक्सेशन एक्ट में कौनसा फायदा है जिसके पीछे आप जा रहे हैं । इसके अन्दर आप देखेंगे, इसके अन्दर और चीजें हैं, रात दिन का फर्क है, हम उनको पसन्द नहीं कर सकते । मैं उन लेडीज से पूछना चाहता हूं इस सक्सेशन एक्ट के अन्दर इक्वैलिटी कहां है । इस सक्सेशन एक्ट में फादर को कुल जायदाद मिलेगी, अकेले फादर को सारी जायदाद मिलेगी. मदर को नहीं मिलेगी.....

Shri Tek Chand: They have not understood the law.

Shri Heda (Nizamabad): How can you say that?

पंडित ठाकुर दास भार्गव : अगर फादर नहीं होगा तो मदर को मिलेगी, लेकिन भाई बहिनों जितनी मिलेगी । जहां तक औरतों के हक का सवाल है, मैं कहूंगा कि वे लोग जो औरतों के हकूक की कसम खाकर इस बिल के पीछे पड़े हुए हैं उनको अपना नोशन रिवाइज करना पड़ेगा । औरतों की इक्वैलिटी के राइट्स का नोशन इस सक्सेशन एक्ट के बारे में उनको रिवाइज करना पड़ेगा । दरअसल सक्सेशन एक्ट में वह चीजें नहीं हैं जिनके पीछे भागने से इस तरह बराबरी मिल जायगी । अगर आप सचमुच औरतों की बराबरी चाहते हैं तो आनरेबुल ला मिनिस्टर के पीछे पड़िये और हिन्दू मैरिज बिल में जो अच्छी से अच्छी चीजें हम चाहते हैं वह रक्खी जांय ताकि यह बिल ऐसा इम्प्रूव हो जाय कि दुनिया के वास्ते एक नमूना हो । आनरेबुल मिनिस्टर ने जब खुद अपनी तकरीर फरमाई थी तो उन्होंने कहा था कि हम चाहते हैं कि औरतों को ज्यादा हकूक मिलें । डाक्टर अम्बेडकर का हिन्दू कोड बिल इसी मकसद को लेकर सामने आया था और हमारे मौजूदा आनरेबुल ला मिनिस्टर साहब के बिल में भी लड़कियों के हकूक की काफी हिफाजत की गयी है । अगर किसी आदमी के लड़का नहीं है तो कुल जायदाद की मालिक उसकी लड़की होगी । तो जहां तक औरतों के ज्यादती हकूक का सवाल है मैं अदब से अर्ज करूंगा कि वह चीज इस एक्ट के अन्दर नहीं है । जनाब मुलाहिजा फरमायें कि इसका असर क्या होगा । अब फायदा तो इससे कुछ नहीं है, अब जरा नुकसान मुलाहिजा फरमाइये। पहला असर तो इसका साइकोलिजिकल होगा । मसलन् अगर मेरी शादी हुए आज इतने वर्ष हो गये और आज मुझे बतलाया जाय कि इस पचास वर्ष की पहले की शादी के रजिस्टर करा लो तो इसके मानी यह होंगे कि यह मेरे ऊपर स्लर है या मेरी जो धार्मिक मैरिज है वह इस नई मैरिज के तरीके के मुकाबले में कुछ खराब है, कुछ खराब तरीके की है और इससे मुझे कुछ ज्यादा चीज मिलेगी, मैं अर्ज करूंगा कि साइकोलिजिकली यह इतनी खराब चीज है जिसको कोई शरीफ आदमी हरगिज पसन्द नहीं करेगा । मैं अर्ज करना चाहता हूं कि जब एक जमाने में एक वक्त में एक शख्स ने शादी की तो उसके जितने भी रिश्तेदारान हैं, शादी वैसे देखने को मियां बीवी में होती है लेकिन दोनों कुनबों में रिश्तेदारी स्थापित होती है, शादियों में आपने देखा होगा मामा भात लेकर आता है और फूफा को अलग चीजें मिलती हैं, सारी आपस में रिश्तेदारी हो जाती है, एक सम्बन्ध हो जाता है और शादी का असर सारी सोसाइटी पर पड़ता है. इसलिये यह कह देना कि शादी महज दो आदमियों का खेल है

वह जायज नहीं हैं। इस तरह की शादियों से सारी सोसाइटी फायदा उठाती हैं। मां, बाप का क्या हाल होता हैं, मां, बाप जो शादी करते हैं और लालन पोषण करते हैं उनका क्या नतीजा होता हैं ? मिसाल के तौर पर मैं आपसे कहूं कि अगर आज दो मुसलमानों ने तीस वर्ष हुए या चालीस वर्ष हुए शादी की थी आज आप कहते हैं कि तुम्हारे लड़के की शादी अगर इस एक्ट के मातहत हो गयी तो सक्सेशन एक्ट में जो मां, बाप के शेयरर्स हैं उनको कुछ भी नहीं मिलेगा.....

They are effaced and they are no longer sharers (*Interruption*). If the hon. Member wants to make any interruption.....

Pandit K. C. Sharma: I am enjoying your argument.

पंडित ठाकुर दास भार्गव : मैं यह अर्ज कर रहा था कि मुस्लिम ला के लिहाज से उन बूढ़े, मां और बाप को जिन्होंने लड़के की शादी की थी और जिनके लिये मेरे दोस्त बड़ा नर्म दिल रखते हैं, आप उन मां बाप के सारे एक्सपेक्टेशंस को ब्रश (brush) एसाइड करना चाहते हैं। मां और बाप को अगर लड़का मर जायगा तो कुछ नहीं मिलेगा, जो मुस्लिम ला हैं उससे बिल्कुल महरूम हो जायेंगे। "इट इज अनजस्ट टु से दिस"। एक शख्स को इस तरह से मजबूर किया जाय। आप जिसकी शादी करते हैं उसके साथ आप क्या करते हैं। दफा बीस में आप कहते हैं :

Subject to the provisions of section 19, any person whose marriage is solemnized under this Act, shall have the same rights and shall be subject to the same disabilities in regard to the right of succession to any property as a person to whom the Caste Disabilities Removal Act, 1850 (XXI of 1850) applies.

यहां पर कास्ट डिस्एबिलिटीज एक्ट क्यों एप्लाई किया हैं, रिलीजन या कास्ट कोई जाता नहीं लेकिन इसका मतलब यह हैं कि जिसकी शादी हो गयी उसके राइट्स में किसी तरह कोई फर्क नहीं हैं वह अपने बाप की जायदाद ले सकेगा, वह बिल्कुल ऐसा ही रहेगा जैसे वह शादी के पहले था। लड़का और लड़की भी अपने सारे राइट्स को ज्यों का त्यों रक्खेंगे, लेकिन जब उनके सक्सेशन का सवाल आयेगा जो लोग उनको सक्सीड करेंगे उनके साथ बेइंसाफी होगी, उनको और तरीके से सक्सेसर बनाया जायेगा। यह सरासर गलत हैं कि दो तरह की चीजें रक्खी जायें और यह ईक्वैलिटी आफ ला नहीं हैं, एक शख्स तो इस काबिल रहने दिया जाय कि वह सब अपना सक्सीड करता चला जाय, लेकिन जब उसके सक्सेशन का सवाल हो तो उसके सक्सेसर्स को मां बाप को जिनकी एंटिसिपेशंस और एक्सपेक्टेशंस होती हैं उनको उससे महरूम रक्खा जाय। मुलाहिजा फरमा कर देखिये कि एक्ट की मौजूदा सूरत में क्या असर होगा। मसलन् इसमें दफा १६ में यह दर्ज हैं :

The marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jain religion shall be deemed to effect his severance from such family.

मैं अदब से पूछना चाहता हूं कि किताब के अन्दर नाम लिखने से कि फंला की फंला के साथ शादी हुई हैं इससे आप कैसे एक शख्स का स्टेटस तबदील कर सकते हैं। इसमें क्या सूरत बनेगी। मान लीजिये एक शख्स के तीन लड़के हैं, वह एक हिन्दू ज्वाइंट फैमिली हैं, और पंजाब में हिन्दू ज्वाइंट फैमिली में कोई लड़का बाप की जिन्दगी में बंटवारा नहीं करा सकता। तीन में से एक लड़के ने इस स्पेशल मैरिज एक्ट के मातहत शादी की, बंटवारा वह करा नहीं सकता अब, शादी का क्या असर होगा ? वह उस ज्वाइंट फैमिली से जुदा हो जायगा और नतीजा यह होगा कि उसके जो दो और भाई हैं वह बाप को सक्सीड करेंगे और यह लड़का जिसने इस एक्ट के मातहत शादी की वह डिसइनहैरिट हो जायगा, बंटवारा वह करा नहीं सकता, बाप जब मरेगा तो उसको कुछ नहीं मिलेगा। पंजाब के कायदे के मुताबिक वह बंटवारा नहीं करा सकता। आप रजिस्ट्रेशन सम्बन्धी जो दफा १८ हैं उसको मुलाहिजा फरमाइये, बड़ी खूबसूरत दफा हैं, मालूम पड़ता

[पंडित ठाकुर दास भार्गव]

हैं कि किसी जादूगर की बनाई हुई हैं । दफा ११२ के एवीडेंस एक्ट में अगर कोई किसी का लाफुली वेडलॉक में बच्चा पैदा हो जाय और उसके २८० दिन के अन्दर बच्चा पैदा हो तो प्रीजम्शन हैं कि वह लेजिटिमेट हैं ।

अगर एक शख्स विलायत में तीन साल तक रहा, कोई औरत तीन वर्ष तक विलायत में रहे और उसका खाविन्द उसके पास न हो या एक्सस साबित न हो तो उस सूरत में दफा ११२ एवीडेंस एक्ट की रू से यह साबित नहीं होगा कि यह लड़का लेजिटिमेट हैं और लाफुली वेडलॉक में पैदा हुआ हैं । दफा १८ आप मुलाहिजा फरमाइये, उसमें ऐसा लिखा हुआ हैं :

Subject to the provisions contained in sub-section (2) of section 24, where a certificate of marriage has been finally entered in the Marriage Certificate Book under this Chapter, the marriage shall, as from the date of such entry, be deemed to be a marriage solemnized under this Act, and all children born after that date of the ceremony of marriage (whose names shall also be entered in the Marriage Certificate Book) shall in all respects be deemed to be and always to have been the legitimate children of their parents.

जनाबवाला में भी चाहूंगा कि लेजिटिमेसी को प्रोत्साहन हो लेकिन जिन सूरतों में नान एक्सस साबित हो वह ११२ की रू से इल्लिजिटिमेट करार दिया जायगा और नतीजा यह होगा कि उनके हक्क और उनके इनहैरिटेंस पर असर पड़ेगा और खिलाफ ११२ एवीडेंस एक्ट के उन बच्चों को जो नाजायज हों जायज करार दिया जावेगा लेकिन ऐसी हालत में जब कि बाप जानता हैं कि :

I am not the father of the boy, I was in England at the time.

तब उसके मेनटेनेन्स और उसके इनहैरिटेंस सब चीज का एक जिम्मेदार ऐसा शख्स कानूनन बने जो दरअसल जिम्मेदार नहीं हैं यह जस्ट नहीं हैं ।

Shri S. S. More (Sholapur): But such a man will not go to the Registrar and get his previous marriage registered.

Pandit Thakur Das Bhargava: There are many strange people in this world and I will not be surprised if a person goes there and gets married. We have to provide for all kinds of cases.

Shri S. S. More: A man who has no faith in his own wife will not go before the Registrar and get his marriage registered.

पंडित ठाकुर दास भार्गव : गरीबनवाज, आप ने दफा २४ और २५ में ऐसी औरतों को देखा हैं जिन की शादियां नहीं हुई हैं और वह प्रेग्नेन्ट हैं । तो मैं कहता हूं कि दुनिया के अन्दर ऐसी चीजें हैं जिन्हें आप और हम सोच नहीं सकते हैं । इस वास्ते मैं अर्ज करूंगा नाजायज बच्चे का बाप जो अपनी शादी रजिस्टर कराता हैं । लेकिन दफा ११२ के मातहत उस के बच्चे की लेजिटिमेसी प्रूव नहीं होती हैं । और बच्चे का भाई जो जायज हैं इतराज करता हैं । तो उस जायज बच्चे को हक से महरूम करना जायज नहीं हैं ।

इस के अलावा आप जरा मुलाहिजा फरमायें कि एक शख्स जिस की शादी धार्मिक शास्त्र की रू से हुई और उस का कल का रजिस्ट्रेशन हुआ शादी के तीस या चालीस बरस बाद । अब फर्ज कीजिये कि उस के पहले से दो लड़के मौजूद हैं और दो लड़के बाद में भी हो गये, वह दो पहले लड़के अपने दादा के साथ मुश्तर्का रहेंगे और वह हिन्दू ज्वायंट फैमिली की तरह रहेंगे । सिर्फ वह शख्स जिस की शादी हुई हैं वह हिन्दू ज्वायंट फैमिली की तरह नहीं रहेगा। इस तरह से एक शख्स को, जिस के मां बाप वही हैं जो दूसरे के हैं उस के मां बाप की ही जायदाद मिलेगी, लेकिन दूसरे लड़के को उस के मां बाप की जायदाद भी मिलेगी और वह

जायदाद भी मिलेगी जो कि उस के गार्ड फादर की होगी । यह कहां तक इन्साफ की बात है । एक रजिस्टर में नाम दर्ज होने से ही वह अपने घर की जायदाद से महरूम हो जाय यह कहां तक दुरुस्त और जायज है ?

इसी तरह से आप मुलाहजा फरमायेंगे, मैं मोर साहब की खिदमत में अर्ज करूंगा कि वह मुझ को थोड़ा सा एन्लाइटन करें । मैं एक बात समझ नहीं सका । मैं पूछना चाहता हूं.....

Shri S. S. More: I find it difficult to follow what you mean if you speak in that language.

Pandit Thakur Das Bhargava: If you cannot follow this, I do not want to follow your answer to this question.

Mr. Chairman: Before the hon. Member proceeds, let me say this. We have been allotted four hours for clauses 15 to 18 and three hours for clauses 19 to 21. No doubt clause 15 is the most important clause, but while discussing that clause, I find references to other clauses, especially clause 18—and I cannot also prevent Members from referring to it—because clause 18 relates to the effect of registration of marriages. So, when you are discussing clause 15, naturally you can discuss also what effect this marriage would have—that is, clause 18—good, bad or other. The same is the case with clauses 19, 20 and 21 also. Thus, what would be the position? There would be many arguments which would be repeated. Can we confine ourselves to clause 15? But we cannot prevent a simultaneous discussion of clause 18 also, because it deals with the effect of registration of marriage.

Shri S. S. More: The Business Advisory Committee has fixed four and three hours respectively.

Mr. Chairman: Yes, but there was a suggestion by Shri N. C. Chatterjee that all the seven hours may be utilised for all these clauses—clauses 15 to 21. I think, if the House agrees, that would be a better procedure, and it would avoid repetition of the same arguments. Has the Minister of Law to say anything?

Shri Biswas: I said earlier that I am entirely willing to follow any procedure which the House may approve. If you think you should lump up all these clauses together, and devote the whole of the seven hours to a comprehensive discussion of the whole set of clauses, I have no objection. I will not stand in the way. I said so before.

Mr. Chairman: I find from the discussion that one cannot avoid references to the other clauses. So, if that is the sense of the House, namely, to devote all the seven hours together for all these clauses, it would be better.

Shri Biswas: My hon. friend pointed out that while referring to clause 15, one has to refer forwards to other clauses as well: and that is why he had made that suggestion. Personally speaking, I have no objection.

Mr. Chairman: If it is the general sense of the House that we may discuss all the amendments to clauses 15 to 21 together and devote all the seven hours for that, it would be better.

Shri Bogawat: That would be better.

Dr. Jaisoorya: In view of what the Chairman has said just now, may I know whether we shall be given the same length of time?

Mr. Chairman: I am at present on another point: whether, while discussing clause 15, we cannot take up the other clauses, particularly clauses 18, 19, 20 and 21, together, because naturally we are bound to refer to them.

Shri Biswas: I have no objection to this procedure: but when I reply,

[Shri Biswas]

I shall have to cover the whole ground, and therefore you must give me sufficient time for that purpose. If you are taking only a few clauses, it might be possible to finish my reply in half an hour or so. If, on the other hand, I have to deal with all these clauses and with the speeches from all sections of the House on these clauses, I must be given sufficient time. I would take at least one hour.

Mr. Chairman: I think there will be no difficulty to reserve one hour for the hon. Minister to reply.

Shri K. K. Basu: That would be too much.

Mr. Chairman: Then, I think the hon. Minister may take 45 minutes.

Shri Biswas: I shall try to be as short as possible, but to be on the safe side, I suggest one hour, if you want me to cover so many clauses, and not merely so many clauses but the discussion on those clauses.

Mr. Chairman: I think the general idea is that you will take a little longer, and naturally so, when you take up all the clauses. I think the hon. Minister pobably may be content with 45 minutes. So, if the House agrees, all these clauses may be discussed together. What I would do is, I would ask hon. Members to mention only the number of the amendments which they have moved to different clauses.

Shri Tek Chand: May I suggest that if discussion is confined to clause by clause, the attention of each Member will be concentrated and riveted on that clause in a better way.

Mr. Chairman: Generally speaking yes. But repetition in this case cannot be avoided. As I said, the effect of clause 15 is upon other clauses—clauses 18, 19 and so on. If the general sense of the House is that we could discuss all of them together, I think the hon. Law Minister has no objection. As regards the amendments, I will simplify the position and save some time. Hon. Members wishing to move any of their amendments to the clauses may only mention the number of the amendments and send it to the office. I will read out all of them together within about 15 minutes. We need not spend time in asking every Member to stand up and mention the amendment. I will simply read them, and I think thereby we can finish the whole thing in about seven hours' time. If possible, one hour might also be reserved for the hon. Law Minister.

Shri Raghavachari: So, we have varied the allocation of time.

Shri S. S. More: Is it a variation or what?

Mr. Chairman: If it is with the consent of the House, then it is all right.

Shri S. S. More: Consent should be given on a motion to be moved by the Leader of the House.

Mr. Chairman: That is going too far.

Shri N. C. Chatterjee: We are not trespassing on the time-limit prescribed already. We are within that time-limit.

Shri Biswas: Does the allotment of time include points like those which Shri More is now raising? We are wasting time and encroaching on the time already allotted for this purpose.

Mr. Chairman: So far as the rules permit it, he is perfectly within his rights. What am I to do?

Shri S. S. More: That is the function of the Opposition.

Mr. Chairman: Pandit Thakur Das Bhargava may proceed with his speech.

3 P.M.

पंडित ठाकुर दास भार्गव : तो मैं ने जनाब की इजाजत से जो और क्लाजेज हैं उनके अमेंडमेंट्स का पहले से ही नोटिस दे दिया

हैं और मेरे नाम से जो अमेंडमेंट हैं मैं उन सब पर एक साथ ही आपकी इजाजत से बोलना चाहता हूं ताकि एक ही दफा में मामला खत्म हो जाय ।

तो मैं यह अर्ज कर रहा था कि जिस तरीके से इसके कांसीक्वेंसेज दफा १६, २० और २१ में हमारे सामने आये हैं वे ऐसे हैं जो न हमारे फायदे में हैं और न कानूनन जायज हैं । मैं ने अभी दफा १६ का जिक्र किया । इस दफा की रू से जो कोई मैरिज रजिस्टर होगा या वैसे भी होगा तो उस पर जो असर पड़ता है उसके बारे में मैं यह अर्ज करना चाहता हूं कि दफा १६ बिल्कुल गैर जरूरी है । यह मुल्क में मुकदमेबाजी को बढ़ाने वाली होगी । सबसे ज्यादा पंजाब के लिए इसके नतायज खराब होंगे । इसकी रू से एक पंजाबी लड़का जो अपने बाप से उसकी जिन्दगी में बंटवारा नहीं करवा सकता और जो कि एक ज्वाइंट हिन्दू फैमिली का मेम्बर है वह तो बिल्कुल डिसइनहेरिट हो जायगा । शादी के बाद उसे कुछ नहीं मिलेगा । बाप की जिन्दगी में वह बंटवारा करवा नहीं सकता, बाद में उसे कुछ मिलेगा नहीं । हमारे आनरेबल मिनिस्टर साहब ने बहस करते हुए यह कहा था कि यह तो नेशनल पार्टीशन है । इसका ज्यादा असर नहीं होगा । मैं, जनाब वाला, इन अल्फाज के मानी ठीक से नहीं जानता "सेवेरेंस फ्राम हिज फैमिली" । इसके एक मानी यही होते हैं कि उसका राइट आफ सरवाइवरशिप जाता रहेगा । लेकिन मुझे नहीं मालूम कि इसमें और क्या चीज हो सकती है । हमको देखना है कि क्या इसका उतना ही असर होगा कि जितना मिनिस्टर साहब फरमाते हैं । मैं बतलाना चाहता हूं कि इसका क्या असर होगा । जितने हिन्दू ज्वाइंट फैमिलीज के फर्म हैं वे पार्टनरशिप में तबदील करने होंगे क्योंकि हिन्दू ज्वाइंट फैमिली के फर्म को रजिस्टर करने की जरूरत नहीं है । जाहिर है कि राइट आफ सरवाइवरशिप नहीं होगा तो उनको रजिस्टर कराना पड़ेगा । इसका यह असर होगा कि ज्वाइंट हिन्दू फैमिली डिसरप्ट हो जायगा और आहिस्ता-आहिस्ता हर आदमी यह सोचने लगेगा कि मैं जायदाद में अपना हिस्सा करवा लूं । एक ज्वाइंट खानदान में बीसियों बरस तक कोई जायदाद किसी मेम्बर के नाम और कोई किसी के नाम में पड़ी रहती है और जो कर्ता होता है वह सबका इन्तजाम करता है । लेकिन अब उसकी मैनेजरी खत्म हो जायगी । और मैं अर्ज करूंगा कि सिर्फ सरवाइवरशिप ही खत्म नहीं होगी बल्कि इससे मुकदमेबाजी बढ़ेगी । इससे लोगों को बहुत नुकसान पहुंचेगा, उनका आपस में डिसरप्शन होगा और लिटीगेशन होगा । वह इतना आसान नहीं है ।

Shri Biswas: What happens when a member of the joint Mitakshara family says: "I wish to separate"? What happens then to the joint family business? The same effect will follow here.

Pandit Thakur Das Bhargava: Quite right, Sir.

मिनिस्टर साहब ने जो फरमाया वह बिल्कुल दुरुस्त है और यही मेरा सबसे सख्त जवाब है । जब हर एक हिन्दू को यह अख्तियार है और वह अपने सेपरेशन को अपने हाथों आफ दी हैंड में लिए फिरता है तो इस कानून के बनाने की क्या जरूरत है । जो चाहेगा वह अपने इंटरेस्ट को अलग करवा लेगा । आप उसको मजबूर क्यों करते हैं । अगर कोई इस तरह की शादी के बाद अपने खानदान वालों के साथ रहना चाहता है और उसके मां-बाप उसको अपने साथ रखने को राजी हैं तो आप क्यों यह कानून बनाना चाहते हैं । अगर एक मेम्बर को हक है कि वह अलग हो जाय तो दूसरे मेम्बरों को भी यह हक है कि उसको अपने साथ रखें या न रखें । इसके बनाने की जरूरत ही नहीं है । अगर वह खुशी से अपने लोगों के साथ रहना चाहता है तो उसको रहने दीजिये । उसको मजबूर न कीजिये कि उसे अपनी ज्वाइंटनेस खत्म करनी पड़े । आखिर हिन्दू ज्वाइंट फैमिली में कुछ तो अच्छाई होगी कि लोग करोड़ों रुपया ज्यादा टैक्स देकर उसमें रहना पसन्द करते हैं । आप की सिलेक्ट कमेटी की रिपोर्ट में दर्ज है कि वह फिरसीयूनाईट भी हो सकते हैं— तो बेहतर है कि आप शामिल ही रहने दें ।

[पंडित ठाकुर दास भार्गव]

[SHRI BARMAN *in the Chair*]

इस कानून से तो सरकार को भी नुकसान होगा। आपने एस्टेट ड्यूटी बिल में जो ज्वाइंट हिन्दू फैमिली के लिए लिमिट रखी हैं वह एक रखी हैं और वाचभाग वालों के लिए दूसरी रखी हैं। तो इसमें सरकार का नुकसान होगा। आपको कम रुपया वसूल होगा। इस वास्ते भी यह जायज नहीं हैं। मैं अदब से अर्ज करना चाहता हूं कि इससे कोई फायदा नहीं हैं।

इसके अलावा आप दफा २० का मुलाहिजा फरमावें। दफा २० काफी खराब हैं क्योंकि यह एप्लाई करती हैं जिसकी शादी हो उसको। यह ठीक हैं कि जो इस की रू से शादी करेगा उसके राइट्स पर असर नहीं पड़ेगा लेकिन उसकी औलाद का क्या होगा। उसकी सारी की सारी औलाद उस पुराने खानदान की मेम्बर नहीं रहेगी जिस खानदान का फर्द शादी करता हैं। इसके वास्ते मेरे पास आथारिटीज मौजूद हैं। इसका यह असर होगा कि अगर कोई इस बिल की रू से शादी करे तो उसका बेटा अपने दादा का पोता नहीं रहेगा। वह स्ट्रेंजर्स होंगे।

Shri S. S. More: They will remain relations. Only property relationship will not be there.

Pandit Thakur Das Bhargava: Excuse me, it is not so. It is a marriage under the Special Marriages Act.

मैं इसी वास्ते कानून समझने के लिये मदद चाहता था लेकिन आपने देने से इन्कार कर दिया। एक शख्स जो आज मुसलमान से शादी करता हैं उसके औलाद हो जाती हैं। क्या वह ब्लड रिलेशन अपने दादा के साथ रहेगी। ऐसा होने के लिए हिन्दू ला के मातहत शादी होनी चाहिए।

Shri S. S. More: It is a valid marriage.

Pandit Thakur Das Bhargava: It is a valid marriage. I do not doubt it is a good marriage. It is a bad marriage according to the Hindu law. Therefore, I beg to be enlightened. I am not assuming too much when I beg to be enlightened on this point.

अगर आप दफा का मुलाहिजा फरमायेंगे तो यह रोशन होगा कि वह शादी करने वाले को तो बचाती हैं लेकिन और सब को डिसएबिल करती हैं।

दफा २१ और भी ज्यादा सख्त हैं। कभी आपने ऐसा कानून देखा हैं कि एक आदमी के एक शादी कर लेने से महज एक चीज तो एक ला से गवर्न हो और बाकी सारी दूसरे से गवर्न हों। मैं अदब से अर्ज करना चाहता हूं कि मेनटिनेन्स और इनहैरिटेंस ये दोनों बहुत ज्यादा कनेक्टेड चीजें हैं। यह कैसे जायज हैं कि मेनटिनेन्स तो गवर्न हो हिन्दू ला से और सक्सेशन गवर्न हो सक्सेशन एक्ट से। मैं अदब से अर्ज करूंगा कि अगर एक हिन्दू अपनी पुरानी शादी को इस एक्ट के मातहत रजिस्टर करवा ले या इस एक्ट में शादी करे तो उसका मेनटिनेंस और दीगर इंसीडेंस तो गवर्न होंगे हिन्दू ला से और सक्सेशन गवर्न होगा दफा २१ से। यह एक ऐसी बात होगी जो कि कहीं भी नहीं मिलेगी। मैं आपकी तवज्जह एक्ट २, सन् १८७२ की दफा १८ की तरफ दिलाना चाहता हूं। उसमें दिया हैं :

> "The issues of marriages solemnized under this Act shall, if they marry under this Act, be deemed to be subject to the law to which their fathers were subject as to the prohibition of marriage by reason of sanctity and affinity and the provisions of section 2 of this Act shall apply to them...."

इसके मानी में यह समझा कि जहां तक मैरिज की प्रोहिबिटेड रिलेशनशिप का ताल्लुक हैं वहां तक उसका बाप इस एक्ट की दफा १८ से गवर्न होगा। जिसका यह मतलब हुआ कि सक्सेशन गवर्न होगा सक्सेशन एक्ट की रू से और मैरिज के लिहाज से और दूसरी चीजों के लिहाज से उसके फादर का जो ला हैं वह उसको गवर्न

करेगा । इसका मतलब यह होगा कि एक ही शख्स के लिए दो ला बने । यह मुनासिब और जायज नहीं हैं । एक शख्स जिसकी उम्र पचास साल की हैं और जिसके तीन लड़के हैं जिनमें से एक २५ साल का, दूसरा २० साल का और तीसरा १८ साल का हैं और उन तीनों की शादी धार्मिक ला से हो चुकी हैं । अब अगर वह शख्स अपनी शादी रजिस्टर करा ले, ५० साल की उम्र में, या वह इस एक्ट में नयी शादी कर ले, और उस शादी से उसके दो लड़के हो जायं तो क्या स्पेक्टेकल होगा । दफा २१ की रू से उन तीनों लड़कों का सक्सेशन सक्सेशन एक्ट से गवर्न होगा । चाहे वे लड़के अपने को रजिस्टर न करावें लेकिन तो भी दफा १८ की रू से डेट आफ मैरिज से सब जायदाद दफा २१ से गवर्न होगी । मैं अदब से अर्ज करना चाहता हूं कि इसमें इतनी एनामिलीज निकलती हैं कि एक ही बाप और मां का बेटा और बेटी मुख्तलिफ कानून से गवर्न होंगे जो मुनासिब नहीं होगा, इस वास्ते मैं अदब से अर्ज करना चाहता हूं कि हमने इस पर काफी गौर नहीं किया कि इसके कितने रिपरकशंस होंगे और उसमें अजब अजब बातें निकलेंगी, ऐसी बातें जो कि कम-से-कम, जहां तक इस देश के कानून का सवाल हैं, कहीं नहीं देखी गयीं कि एक हिस्सा एक ला से गवर्न हो और दूसरा हिस्सा दूसरे ला से गवर्न हो, इस तरह की एक चीज इसमें नजर आती हैं जो कि अनवारंटेड हैं ।

मैं जनाब की तवज्जह अपने दूसरे अमेंडमेंट्स की तरफ दिलाना चाहता हूं । मैंने यह चाहा कि यह मैरिज जो हैं यह सारी की सारी कंट्रैक्ट बेसिस पर हो इस वास्ते मैरिड कपल को आप यह अख्तियार दें दें कि वह खुद फैसला कर लें जिस वक्त वे शादी करें, उस वक्त ही फैसला कर लें कि वह किस ला से गवर्न होंगे आया सैक्रामेंटल ला से, मुस्लिम ला से, इस सक्सेशन एक्ट से या किसी खास टर्म और कंडीशंस से गवर्न होंगे । चुनांचे मैंने अपने अमेंडमेंट २७४ के अन्दर उनको यह अख्तियार दिया हैं कि वह चाहे जिस तरह से फैसला कर लें और उनका वह फैसला ही उनको पाबन्द करे और उनकी औलाद को पाबन्द करे । एक अजीब सवाल पैदा होगा अगर उनकी औलाद सक्सेशन एक्ट से पाबन्द होगी । औलाद जब बड़ी हो जायगी और अगर वह शास्त्रीय तरीके से शादी करना चाहेंगे तो वे उस तरह कर सकेंगे या नहीं.....

पंडित के० सी० शर्मा : कर सकते हैं ।

पंडित ठाकुर दास भार्गव : इश्यू आफ मैरिज में दर्ज हैं :

> "Issue of such marriage shall be regulated by the provisions of the said Act."

Pandit K. C. Sharma: Where is the inseparable accident between earth and blood? What has the progeny to do with it?

Pandit Thakur Das Bhargava: I have not understood my friend. Under clause 21 the words are:

> "Notwithstanding any restrictions contained in the Indian Succession Act, 1925 (XXXIX of 1925) with respect to its application to members of certain communities, succession to the property of any person whose marriage is solemnized under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the said Act."

Suppose a person has three sons who have all married under the *Shastaric* law, and he himself gets his marriage registered. What would happen to the property of those three sons? Will they be governed by the Succession Act or by the Personal Law?

Shri Biswas: Solemnized under this Act.

Pandit Thakur Das Bhargava: Then we come to a situation in which the whole thing shall collapse. What do clauses 19, 20 and 21 mean? They only refer to marriages solemnized under the Act, not to marriages deemed to be solemnized under the Act. Clause 18 says that those marriages

[Pandit Thakur Das Bhargava]

which are registered shall be deemed to be solemnized; whereas in clauses 19, 20 and 21 we have the words "solemnized", and in clause 24(2) we have the words "deemed to be solemnized". "Deemed to be solemnized" is quite different from "solemnized". Do I take that the hon. Minister wants to convince me that if the marriages are registered, clauses 19, 20 and 21 will not apply?

Shri Frank Anthony (Nominated—Anglo-Indians): The children will be illegitimate!

Pandit Thakur Das Bhargava: If that is the argument of the hon. Minister, I accept it, and I am happy to accept that these sections will not apply.

Shri Venkataraman: I think in law what is deemed to be solemnized is solemnized.

Pandit Thakur Das Bhargava: I am arguing on that basis. But it appears the hon. the Law Minister wants to suggest....

Shri Biswas: It is pointed out in clause 18 that with effect from the date of entry in the Marriage Certificate Book this result will ensue. Look at clause 18. It says: "Subject to the provisions contained in sub-section (2) of section 24, where a certificate of marriage has been finally entered in the Marriage Certificate Book under this Chapter" (that is, the Chapter relating to Registration) "the marriage shall as from the date of such entry, be deemed to be a marriage solemnized under this Act"—not before.

Pandit Thakur Das Bhargava: Suppose the children were born before the registration. The words are:

> "and all children born after the date of the ceremony of marriage."

Suppose the marriage was twenty years ago, and it was registered twenty years after. Then all children born after the date of marriage shall come under the definition of "deemed to be".

You will kindly see section 24(2):

> "Nothing contained in this section shall apply to any marriage deemed to be solemnized under this Act within the meaning of section 18"—

so that "solemnized under the Act" is quite different from "deemed to be solemnized". In clauses 19, 20 and 21 the words are 'solemnized under this Act", not "deemed to be solemnized." Therefore, I conclude that the effect of clauses 19, 20 and 21 will not apply to marriages which are registered, because those are only deemed to be marriages solemnized under this Act. I am arguing on the basis that it is something else. I thought that clauses 19, 20 and 21 will apply to registered marriages, whereas I now hear according to the hon. Minister that they are capable of meaning otherwise.

Shri Venkataraman: You are putting something into his mouth which he did not say.

Pandit Thakur Das Bhargava: I might have misunderstood him. It is quite possible. Does it mean that clause 21 shall apply to such marriages also as in regard to the sons whose marriage took place before the registration and who were born twenty years ago?

Then I go to another point.

मैं यह अर्ज कर रहा था कि मैं उस सूरत में यह मौका उनको देना चाहता हूं, मैं उनको बांधना नहीं चाहता हूं। मैं कहता हूं कि आप उनको इजाजत दे दीजिये, कंट्रैक्ट करने दीजिये। इसमें आपके सक्सेशन एक्ट में जहां सक्सेशन का जिक्र है वहां पर एक फिकरा आता है जो खास मानी रखता है। सक्सेशन

एक्ट की दफा ३२ में ऐसा लिखा है :

"The property of an intestate devolves upon the wife or husband, or upon those who are of the kindred of the deceased, in the order and according to the rules hereinafter contained in this Chapter."

And there is an Explanation also which runs thus:

"*Explanation.* A widow is not entitled to the provision hereby made for her if, by a valid contract made before her marriage, she has been excluded from her distributive share of her husband's estate."

इस एक्ट की रू से जिसको इतना सैक्रेड समझा जाता है एक बेवा औरत को अपने खाविन्द की जायदाद का कोई हिस्सा नहीं मिलेगा अगर वह कंट्रैक्ट हो गया है, इस चीज को ध्यान में रखते हुए मैंने अपने अमेंडमेंट में यह सुझाव दिया है कि वे अपनी शादी के मौके पर खुद फैसला कर लें, कंट्रैक्ट कर लें कि क्या टर्म्स और कंडीशंस होंगी जो उनको गवर्न करेंगी और कौन ला उनको गवर्न करेगा और उनका जो कंट्रैक्ट हो उसके मुताबिक आप फैसला कर लीजिये, आप इस झंझट में क्यों पड़ते हैं कि उन पर कौन ला एप्लाई करेगा। यही मेरा अमेंडमेंट है जिस पर मैं बहुत जोर देना चाहता हूं और जिनकी तरफ मैं अपने ला मिनिस्टर की खास तवज्जह दिलाना चाहता हूं और वह मेरे अमेंडमेंट्स नम्बर २६८, २६९ और २७० हैं। मैं पहले अपने अमेंडमेंट नम्बर २७० की तरफ तवज्जह दिलाना चाहता हूं।

"18A. In the absence of contract to the contrary the parties to the marriage solemnized or registered under this Act shall acquire equal rights to each other's property and become joint owners of property existing or acquired at the time of marriage.

18B. In the absence of contract to the contrary the future acquisition of property by the husband or wife shall be deemed to be joint unless, by express declaration, the property has been separately acquired or separate acquisition can necessarily be inferred from the conduct of the husband or wife.

18C. Notwithstanding any provision of law to the contrary the parties to the marriage shall be governed by their personal law in regard to succession and other matters but in case of conflict of the provisions of such law, the law to which the husband is subject, shall govern such succession and other matters. The personal law to which the husband is subject, shall be the personal law of the issues of such marriage."

मैं खुश हूं कि आनरेबल मिनिस्टर साहब ने जब कि इस बिल पर बहस हो रही थी, या दूसरे बिल पर बहस हो रही थी तो हम को यकीन दिलाया था कि उन की खुद की यह राय है कि जिस वक्त किसी आदमी की शादी हो तो उन की प्रापर्टी शादी के मौके पर ज्वायंट हो जाये तो मुनासिब चीज है। हिन्दू ला के मुताबिक, दूसरे मजहबों का तो मुझे पता नहीं.....

Acharya Kripalani (Bhagalpur *cum* Purnea): Who will pay the Income-Tax?

Pandit Thakur Das Bhargava: The joint property.

Mr. Chairman: May I draw the attention of the hon. Member to the fact that because the Business Advisory Committee has compressed the time-limit to seven hours only, there should be some apportionment of time, especially because so many communities are affected by this Bill.

Shri K. K. Basu: A self-imposed restraint.

Mr. Chairman: The hon. Member has already taken an hour, I would request him to compress his arguments to as short as possible so that others may have a chance to speak. He may state his points of disagreement. About the language, etc., he

[Mr. Chairman]

can, I think, discuss the matter with the Law Minister in his Chamber at some other time. If he takes more time, it will be at the curtailment of the time of others who are also eager to speak. I would ask him to consider that matter also.

पंडित ठाकुर दास भार्गव : जनाब वाला, मैं खुद चाहता हूं कि मैं कम से कम टाइम लूं। मैं ने एक लफ्ज भी, जहां तक मैं समझता हूं, रिपीट नहीं किया है, न मेरा रिपीट करने का इरादा है। लेकिन आप ने जो एडवाइस दी है उस का मैं जरूर लिहाज रक्खूंगा। सिवा इस के कि मैं ने अपने एमेन्डमेन्ट पढ़े हैं, उन पर मैं ने अभी कुछ अर्ज नहीं किया है। चूंकि मैं ने ८, १० एमेन्डमेन्ट दिये हैं और जितनी बातें उन में कही हैं उन में से एक भी ऐसी नहीं है जिस के मुताल्लिक कुछ यहां पर कहा गया हो। उन्हीं के मुताल्लिक मैं कुछ कहूंगा। मेरी ख्वाहिश है कि मैं एक मिनट से ज्यादा न लूं और ऐसी ही कोशिश करूंगा कि आप के हुक्म की तामील कर सकूं।

जनाब वाला, मैं यह अर्ज कर रहा था कि हमारे आनरेबिल मिनिस्टर साहब ने जब दूसरे बिल पर बहस हो रही थी तो खुद फरमाया था कि वह इस उसूल को मानते हैं, मेरे पास वक्त नहीं है, मेरे पास उन का कोटेशन मौजूद है, इस लिये मैं पढ़ कर सुनाना नहीं चाहता हूं। मैं ने उस वक्त अर्ज किया था आनरेबल मिनिस्टर साहब की खिदमत में कि हिन्दू ला में औरत को अर्द्धांगिनी कहते हैं जिस्म की आधी मालिक समझी जाती है, अंगरेजी में उस को बैटर हाफ कहते हैं, उस को आप कानून में दर्ज कर दें। उन्होंने उस वक्त फरमाया था कि वह जनरल ला बना रहे हैं उस में इस पर वह गौर करेंगे। मुझे पता नहीं कि वह कानून कब आयेगा, लेकिन चूंकि वह फरमाते हैं इस लिये मुझे कोई एतराज नहीं है। लेकिन मेरी अर्ज यह है कि इस वक्त आप के रूबरू जो हेडिंग है "कान्सिक्वेन्सेज आफ मैरेज अन्डर दिस एक्ट" उस की मौजूं जगह यही है और आप उस को इसी जगह पर रहने दें। सैक्रामेन्टल मैरेज के अन्दर कंट्रैक्ट का भी सवाल नहीं है। लिहाजा मैं अर्ज करना चाहता हूं : in the absence of a contract, this must be the presumption.....

इस वास्ते मैं यह दो चीजें आप की खिदमत में रक्खूंगा कि इन को रख दिया जाये। मैं इन चीजों के वास्ते सीरियस हूं, मैं इस को महज एमेन्डमेन्ट के तौर पर पेश करना काफी नहीं समझता। मैं बड़े जोर से हाउस से अर्ज करना चाहता हूं कि अगर इस उसूल को मान लिया जाये तो यह हमारे सारे सक्सेशन ला का फैसला करता है। हिन्दुस्तान के अन्दर औरतों के हुकूक देने के वास्ते यह सब से बड़ा पैनीसिया है। मैं तो अर्ज करूंगा कि अगर आप इस को यू० एन० ओ० में भी ले जायें तो सारी दुनिया में कोई भी इस के खिलाफ नहीं होगा कि औरत को जिस्म का हिस्सा माना जाये। पर्सनल ला के बारे में मैं ने अर्ज किया कि उस को हिन्दुस्तान में तो हिन्दुओं को मान ही लेना चाहिये। बहुत सी चीजों के बारे में पर्सनल ला हमारे यहां कायम हैं।

एक और एमेन्डमेन्ट मेरा है जिस की तरफ मैं आप की तवज्जह दिलाना चाहता हूं। वह यह है :

> "The parties to the marriage or any of them may revoke the registration made under section 16 and on such revocation being made the marriage shall be deemed to have not been registered at any time under this Act and the party shall be relegated to the position which they had prior to the date of registration and the children if any born after the registration, shall be deemed to be and always to have been the legitimate children of such parents."

मेरी अदब से गुजारिश यह है कि अगर यह चीज हो कि एक पुरानी मैरेज को हम नये कपड़ों में रख दें तो यह बहुत मुनासिब चीज नहीं है। जब यह मालूम हो कि उस को दूसरी

चीज में फायदा नहीं है और कोई आदमी वहीं वापस जाना चाहे जहां से कि वह गया था तो यह मुनासिब चीज है । यह कंसिस्टेंट चीज है ताकि वह शख्स वहां वापस चला जाये जहां से वह गया था ।

मैं ने जनाब की खिदमत में चन्द एक एमेन्डमेन्ट्स और पेश कर दिये हैं । कई एक ऐसे एमेन्डमेन्ट्स भी हैं जो कि दे दिये गये हैं लेकिन मैं उन पर ज्यादा हाउस का वक्त नहीं लेना चाहता क्योंकि हमारे बहुत से लायक दोस्त उत्सुक हैं कि वह भी जल्दी बोलें ।

एक सवाल मैं समझना चाहूंगा आनरेबल मिनिस्टर साहब से, अगर किसी मुसलमान ने जिस की शादी शरियत के मुताबिक हुई हो, या एक हिन्दू ने जिस की शादी सैक्रमेन्टल तरीके से हुई हो, अपनी मैरेज रजिस्टर करा ली हो, तो क्या उन की पुरानी शादी एब्रोगेट हो जायेगी या नहीं ? अगर एब्रोगेट नहीं होगी तो आगे उन की एक मैरेज चलेगी या दो चलेंगी ? यह सवाल है जिस का मैं जवाब चाहता हूं क्योंकि अगर उस की पुरानी जगह कायम है तो वह फिर रिवाइव हो जायेगी, और अगर नहीं होती है तो सवाल यह होगा कि अगर किसी वजह से इस एक्ट की रू से मैरेज आफिसर करार दे दे कि यह रजिस्टर नहीं हो सकता तो वह कहीं दोनों तरफ से तो नहीं मारा जायेगा, वह अनमैरीड तो नहीं हो जायेगा ? मुझे पता नहीं उस वक्त क्या सूरत हो जायेगी ।

Shri Biswas: I could not follow what you have said.

पंडित ठाकुर दास भार्गव : मैं दो तीन सवाल और अर्ज कर दूं । सक्सेशन एक्ट में लिखा है : "लीनियल डिसेन्डेन्ट" । उस में न बेटे की तारीफ है और न बाप की तारीफ है । हमारे यहां इल्लेजिटमेट सन्स और इल्लेजिटिमेट डाटर्स भी हैं । मैं आप से पूछूंगा कि किसी शख्स का लड़का लीनियल डिसेन्डेन्ट है वह लेजिटिमेट है । लीनियल डिसेन्डेन्ट की तारीफ सक्सेशन एक्ट में है, गोंकि उस में लिखा है कि हिन्दुओं को यह एप्लाई नहीं करेगा, ताहम उस में लीनियल डिसेन्डेन्ट की तारीफ है । लेकिन हो सकता है कि कोई लड़का लीनियल डिसेन्डेन्ट अपने बाप का तो है, लेकिन शायद मां का न हो, या मां का जो बेटा है वह मां का तो लीनियल डिसेन्डेन्ट हो लेकिन बाप का न हो । ऐसी सूरत में कैसे मामला चलेगा और कैसे उस को इन्हेरिटेन्स मिलेगा ? यह एक सवाल है जो मैं दर्याफ्त करना चाहता हूं और जो कि गौरतलब है । हिन्दू ला में तो लेजिटिमेसी की तारीफ दी हुई और वह लिबरल है । उस के मुताबिक हमारा काम पूरी तरह से चल सकता है । इस लिये पर्सनल ला पार्टीज में जो शादियां हुई हैं उस की रजिस्ट्रेशन की इस में जरूरत नहीं है । जिन के लिये प्राविजन न हो उन के लिये आप चाहे जो कुछ करें, लेकिन जिन के लिये प्राविजन मौजूद है उन के लिये आप क्यों कुछ करते हैं । जिन के लिये प्राविजन हैं उन के वास्ते न कीजिये, बाकी के लिये आप कर दें ।

मैं हाउस का और आप का बहुत शुक्रगुजार हूं । आप ने मुझ को इतना वक्त दिया और मेरी बात को सुना ।

Mr. Chairman: These are the amendments that have been given to the Table of the House with the intention that they have to be moved. Amendment 39 to clause 15, amendment 376 to clause 17, amendment 320 to clause 18, amendments 135, 195 and 377 to clause 19, amendment 378 to clause 20 and amendments 82 and 379 to clause 21.

Shri K. R. Sharma: I have also amendment No. 507.

Shri Tek Chand: I have given, to start with, a list of my amendments, which appear to have been omitted They are amendments to clause 15.

Mr. Chairman: They have already been announced. This is a supplementary list.

Pandit K. C. Sharma: Amendment No. 508 is my amendment.

Shrimati Jayashri: I have two amendments; amendment 79 to clause 19 and amendment 80 to clause 21.

Shri Pocker Sahib (Malappuram): I have given an amendment.

Shri B. P. Sinha (Monghyr Sadr *cum* Jamui): I beg to move:

In page 5, line 47, *after* "whether" *insert* "only six months".

Shri Tek Chand: I beg to move:

In page 6, line 33, *after* "Chapter" *insert* "or rejecting the objections if any made under section 16".

Shri Venkataraman (Tanjore): I beg to move:

In page 6, *after* line 47, *add*:

"Provided that nothing contained in this section shall be construed as conferring upon any such children any rights in or to the property of any person other than their parents in any case where, but for the passing of this Act, such children would have been incapable of possessing or acquiring any such rights by reason of their not being the legitimate children of their parents."

Dr. Rama Rao (Kakinada): I beg to move:

In page 7, line 6, *add* at the end:

"if at the time of the marriage either the party to the marriage or any other member of the family demands such severance."

Shri N. C. Chatterjee: I beg to move:

In page 7, line 6, *add* at the end:

"if any member of the family entitled to a share in the assets or properties thereof demands such severance."

Shri H. G. Vaishnav: I beg to move:

In page 7, line 4, *after* "solemnised" *insert* "or deemed to be solemnized".

Shri Tek Chand: I beg to move:

In page 7, lines 7 and 8, *omit* "Subject to the provisions of section 19".

Shri Venkataraman: I beg to move:

In page 7, line 19, *add* at the end "and for the purposes of this section that Act shall have effect as if Chapter 3 of Part V (Special Rules for Parsi Intestates) had been omitted therefrom".

Shri Tek Chand: I beg to move:

In page 7, line 16, *after* "person" *insert* "who does not profess the Hindu, Buddhist, Sikh or Jain religion and".

Pandit K. C. Sharma: I beg to move:

In pages 5 and 6, lines 48 and 1 respectively, *for* "the Special Marriage Act, 1872 (III of 1872), or under this Act" *substitute*:

"the Christian, Jewish, Hindu, Mohammadan, Parsi, Buddhist, Sikh or Jain personal law or the marriages, the validity of which is doubtful."

Shrimati Jayashri: I beg to move:

(i) In page 7, line 6, *after* "shall" *insert* "not".

(ii) In page 7, *for* clause 21, *substitute*:

"21. *Succession to property of parties married under Act.*— Succession to the property of any person whose marriage is solemnised under this Act, and the property of the issue of such a marriage shall be according to the intention of the married couple who shall execute a document electing to be governed by their personal law or the Indian Succession Act. Those who are governed by the Indian Succession Act will be severed from the family but, by mutual agreement, can later reunite."

Pandit Thakur Das Bhargava: I beg to move:

(i) In page 1, *after* line 10, *insert*:

"2(A) This Act shall only apply to marriages contracted between persons belonging to different religions."

(ii) In page 6, line 47, *add* at the end:

"but they shall not be regarded the issues of such marriage within the meaning of section 21."

(iii) In page 6, *after* line 47, *add*:

"(2) The parties to the marriage or any of them may revoke the registration made under section 16 and on such revocation being made the marriage shall be deemed to have not been registered at any time under this Act and the parties shall be relegated to the position which they had prior to the date of registration and the children if any born after the registration, shall be deemed to be and always to have been the legitimate children of such parents."

(iv) In page 7, *after* line 2, *insert*:

"18A. In the absence of contract to the contrary the parties to the marriage solemnized or registered under this Act shall acquire equal rights to each other's property and become joint owners of property existing or acquired at the time of marriage.

18B. In the absence of contract to the contrary the future acquisition of property by the husband or wife shall be deemed to be joint unless, by express declaration, the property has been separately acquired or separate acquisition can necessarily be inferred from the conduct of the husband or wife.

18C. Notwithstanding any provision of law to the contrary the parties to the marriage shall be governed by their personal law in regard to succession and other matters but in case of conflict of the provisions of such law, the law to which the husband is subject, shall govern such succession and other matters. The personal law to which the husband is subject, shall be the personal law of the issues of such marriage."

(v) In page 7, *for* clause 21, *substitute*:

"21. *Succession to property of parties married under Act.*—The parties to the marriage shall be at liberty to contract and declare at the time of marriage what law whether the personal law of any of the parties or the Indian Succession Act, 1925 (XXXIX of 1925) or any special conditions and terms shall govern the devolution of property and such personal law or special terms and conditions or Indian Succession Act, 1925 (XXXIX of 1925) notwithstanding any restriction contained in the said Act with respect to its application to members of certain communities shall govern the devolution of property. In the absence of any such contract and declaration the personal law to which the husband is subject, shall govern the devolution of property and such law shall govern and regulate the relatives and properties of the issues of such marriages."

Mr. Chairman: Amendments moved:

(1) In page 5, line 47, *after* "whether" *insert* "only six months".

(2) In page 6, line 33, *after* "Chapter" *insert* "or rejecting the objections if any made under section 16".

(3) In page 6, *after* line 47, *add*:

"Provided that nothing contained in this section shall be construed as conferring upon any such children any rights in or to the property of any person other

[Mr. Chairman]

than their parents in any case where, but for the passing of this Act, such children would have been incapable of possessing or acquiring any such rights by reason of their not being the legitimate children of their parents."

(4) In page 7, line 6, *add* at the and:

"if at the time of the marriage either the party to the marriage or any other member of the family demands such severance."

(5) In page 7, line 6, *add* at the end:

"if any member of the family entitled to a share in the assets or properties thereof demands such severance."

(6) In page 7, line 4, *after* "solemnized" *insert* or deemed to be solemnized".

(7) In page 7, lines 7 and 8, *omit* "Subject to the provisions of section 19"

(8) In page 7, line 19, *add* at the end "and for the purposes of this section that Act shall have effect as if Chapter 3 of Part V (Special Rules for Parsi Intestates) had been omitted therefrom".

(9) In page 7, line 16, *after* "person" *insert* "who does not profess the Hindu, Buddhist, Sikh or Jain religion and".

(10) In pages 5 and 6, lines 48 and 1 respectively, *for* "the Special Marriage Act, 1872 (III of 1872), or under this Act" *substitute*:

"the Christian, Jewish, Hindu, Mohammadan, Parsi, Buddhist, Sikh or Jain personal law or the marriages, the validity of which is doubtful"

(11) In page 7, line 6, *after* "shall" *insert* "not".

(12) In page 7, *for* clause 21, *substitute*:

"21. *Succession to property of parties married under Act.*—Succession to the property of any person whose marriage is solemnised under this Act, and the property of the issue of such a marriage shall be according to the intention of the married couple who shall execute a document electing to be governed by their personal law or the Indian Succession Act. Those who are governed by the Indian Succession Act will be severed from the family but, by mutual agreement, can later reunite."

(13) In page 1, *after* line 10, *insert*:

"(2A) This Act shall only apply to marriages contracted between persons belonging to different religions."

(14) In page 6, line 47, *add* at the end:

"but they shall not be regarded the issues of such marriage within the meaning of section 21."

(15) In page 6, *after* line 47, *add*:

"(2) The parties to the marriage or any of them may revoke the registration made under section 16 and on such revocation being made the marriage shall be deemed to have not been registered at any time under this Act and the parties shall be relegated to the position which they had prior to the date of registration and the children if any born after the registration, shall be deemed to be and always to have been the legitimate children of such parents."

(16) In page 7, *after* line 2, *insert*:

"18A. In the absence of contract to the contrary the parties to the marriage solemnized or registered under this Act shall acquire equal rights to each other's property

and become joint owners of property existing or acquired at the time of marriage.

18B. In the absence of contract to the contrary the future acquisition of property by the husband or wife shall be deemed to be joint unless, by express declaration, the property has been separately acquired or separate acquisition can necessarily be inferred from the conduct of the husband or wife.

18C. Notwithstanding any provision of law to the contrary the parties to the marriage shall be governed by their personal law in regard to succession and other matters but in case of conflict of the provisions of such law, the law to which the husband is subject, shall govern such succession and other matters. The personal law to which the husband is subject, shall be the personal law of the issues of such marriage."

(17) In page 7, *for* clause 21, *substitute*:

"21. *Succession to property of parties married under Act.*—The parties to the marriage shall be at liberty to contract and declare at the time of marriage what law whether the personal law of any of the parties or the Indian Succession Act, 1925 (XXXIX of 1925) or any special conditions and terms shall govern the devolution of property and such personal law on special terms and conditions or Indian Succession Act, 1925 (XXXIX of 1925) notwithstanding any restriction contained in the said Act with respect to its application to members of certain communities shall govern the devolution of property. In the absence of any such contract and declaration the personal law to which the husband is subject, shall govern the devolution of property and such law shall govern and regulate the relatives and properties of the issues of such marriages."

Shri Pocker Saheb: I have given an amendment to clause 1.

Mr. Chairman: We are not now on clause 1.

Shri Pocker Saheb: According to time-table, it is included in the seven hours.

Mr. Chairman: All right, the hon. Member may give it at the table.

Shri Pocker Saheb: It is amendment No. 336, and I think it is already there.

Mr. Chairman: If you give it at the table, it will be taken up.

Shri Pocker Saheb: I request that I may be given a chance to speak on this.

Mr. Chairman: Yes, the hon. Member may speak.

Shri Pocker Saheb: Clause 1 is included in this group. That is what I am submitting.

Mr. Chairman: The hon. Member may make his speech.

Shri Pocker Saheb: I beg to move:

In page 1, *after* line 10, *add* "Provided that it shall not apply to Muslims"

Mr. Chairman: Amendment moved

In page 1, *after* line 10, *add* "Provided that it shall not apply to Muslims."

Shri Pocker Saheb: I shall take only a very short time.

Mr. Chairman: My request to every Member is to compress the arguments.

Shri Pocker Saheb: I shall mention only the important points. I am an ardent opponent of this Bill on various grounds, but I am not going to mention anything on that point at this stage.

[Shri Pocker Saheb]

I submit that in the whole Bill, this Chapter III is the most atrocious part. It is most inequitous, unjust and illegal on the very face of it. I can understand some steps being taken to register marriages between any man and any women hereafter. But even marriages which were concluded forty or fifty years ago or even more, are provided to be registered under this Chapter. I do not know what the idea behind it is. The idea seems to be that the parties to these old marriages, who had children, grandchildren and great-grand-children must be given a chance to have the so-called advantages of this Bill.

One of the advantages seems to be monogamy. The second seems to be the right of divorce, and third seems to be the right of inheritance under the Indian Succession Act. These seem to be the so-called fundamental privileges of this Bill. So far as monogamy is concerned, what this Chapter requires is that the person who wants to register a marriage under this Act should have only one wife, or in the case of a woman, she should have only one husband, at the time of registration of that marriage. This husband might have had two or three or four wives, if he is a Muslim, and if a Hindu, any number of wives previously, and they may have had children also. Under the provisions of this Chapter III, the spouses who register their marriage are asked to give the names of their children before the Registrar in the form of a list. That is provided for under this Chapter. These children are absolutely ignorant of it, and they are not expected to know anything about it, and their names are given behind their back to the Registrar, by their parents. This list that is thus given is not without its significance. This list that is supplied involves very serious consequences to these children who were born as a result of the sacramental marriage under Hindu Law or *nikah* in the case of Muslims. When the parents register their marriage, they will be governed by all the provisions of this Bill, namely the right of divorce, and also the right of succession under the Indian Succession Act, which is different in vital particulars both from the Hindu law and the Mohammedan law. The Indian Succession Act was intended for the Christians mainly at the time it was enacted. The consequence of registering a marriage under Chapter III of this Bill is not merely that the parties to the marriage are governed by this Bill, but even the children who were born previously to this husband and wife, previous to this registration will be governed by the provisions of this Bill.

It is no good saying under the wording of this section 18 that the children born to these people before this registration are not governed by the Succession Act as is provided for in Chapter IV. Now, by way of clarification, I would just invite your attention to section 18:

> "Subject to the provisions contained in sub-section (2) of section 24, ".....that deals with declaration of certain marriages as void—"where a certificate of marriage has been finally entered in the Marriage Certificate Book under this Chapter, the marriage shall, as from the date of such entry, be deemed to be a marriage solemnized under this Act and all the children after the date of the ceremony of the marriage (whose names shall be entered in the Marriage Certificate Book) shall in all respects be deemed to be and always to have been the legitimate children of their parents."

The application of the provisions of Chapter IV is contained in sections 19 to 21. It is quite clear, as the sections stand now, that these children who were born to the husband and wife long long before they had thought of registering this marriage, long long

before such an act was conceived,—when those children might have even their own children and grand-children—are to be governed by the Indian Succession Act. Can there be a more atrocious legislation than this provision—I ask. Behind the back of those children, the inheritances of those children are dealt with by one stroke of the pen, without their being any party to any such act. The consent of these children to such a marriage is not provided for. Not even information is sought to be given to them saying: 'My children, you were born to me 30 years back, you are hereafter to be governed by the Indian Succession Act, though you are Hindus or Muslims, and were governed by Hindu or Muslim law'. This is a most inequitous provision. I want to know why the marriages which were performed long before the Act under well-known provisions of their own personal law should be provided to be registered under this Bill. There is no purpose served. If the idea is that there must be provision to have a uniform civil code for all people concerned, come forward with a straight Bill for that purpose. Why try to introduce this kind of reform of vital importance to the whole country by this back-door method? It is ununderstandable. It ought not to be tried. It is said that this is only optional. I say that it is a camouflage to call it optional; it is not optional in very many respects. For instance, if a person's marriage is registered under this Act—under Chapter III or even otherwise—what is the position? The position is that he is to be governed by the Indian Succession Act. At the same time, he is free from the disability of giving up his religion. Under the Special Marriage Act of 1872, the spouses had to declare that they are neither Christians, nor Hindus nor Buddhists. In such a case, their personal law did not govern them and they were free from the obligations and rights under those laws. Now, by this Bill the disability they suffered under the old law is removed. By marrying under this Act the parties are in no way disabled from having their inheritance from those whom they are entitled to inherit under their personal laws. For instance, if the son of A marries, he is entitled to inherit from A but, his father A is disabled from inheriting him, as a result of this provision of law, and as a result of this marriage. Therefore, the mutuality of succession is destroyed thereby. Though the father is not a party to the marriage, he is disentitled to inherit his son but the son is entitled to inherit him. There are several instances of this kind. This kind of anomaly arises both under the Hindu law and the Muhammadan law. Therefore, it is a most inequitous piece of legislation that can be conceived of.

I am very sorry, Sir, that I was not able to follow the arguments of my hon. friend, the preceding speaker, as he was talking in a language which I could not follow. Of course, it is the order of the day that it is not necessary that the members of this House should understand each other in the course of the deliberations. I am not questioning that now. It has become the order of the day. The other day one of the Ministers was saying that he was not understanding what the other members were saying.

Shri A. M. Thomas: Especially since several legal luminaries who are sitting there do not understand it, it would have been much better if the hon. Member had spoken in English.

Shri Pocker Saheb: I am very sorry that I was not able to follow the arguments of my friend.

Mr. Chairman: He need not reply.

Shri Pocker Saheb: I do not want to take further time of the House regarding this because I presume my hon. friend would have exhausted all arguments. He has dealt with so many details about it and I do not want to go into the details. That is why I referred to this point. I want to move

[Shri Pocker Saheb]

my amendment to clause 1 and the amendment is No. 336. which says:

'After line 10 in page' add:

"Provided that it shall not apply to Muslims."'

Now, Sir, when this Bill was being discussed in the Rajya Sabha after receipt of opinions from public bodies and individuals. the hon. Law Minister had stated....

Pandit K. C. Sharma: What is the definition of 'Muslim'? 'Muslim' is nowhere defined.

Shri Pocker Saheb: If you want I can give a definition for it. If you are so ignorant of the meaning of the word 'Muslim', I shall define it for you; there is no difficulty about that.

I submit, Sir, that in Rajya Sabha the hon. Law Minister stated that the Muslim opinion is uniformly against this Bill. My hon. friend was questioning, perhaps, even my mentioning the word 'Muslim'. I say, here, not only I, but every Member who discusses this Bill, has to mention the words Muslims, Hindus, Christians, Buddhists and so on. That is a matter which cannot be avoided. The main object of this Bill is to make marriages between Hindus and Muslims and between Christians and Muslims and so on, legal, which could not be imagined in earlier days. Even now, I would challenge the Government to take a plebiscite on this Bill so far as this country is concerned and see the result. That will be the best way to see whether Hindus and Muslims or people of such different religions like inter-communal marriages. Sir, I would submit that this is a provision which allows marriages between various communities and therefore it is absolutely essential that the views of these particular communities have to be taken into account. If you make a law making it legal for a Muslim to marry a non-Muslim, the opinion of the Muslim community is very vital and it has necessary to be taken into consideration; otherwise, it would be the greatest tyranny to impose on the Muslims some law which the Muslims as a community do not want. In the same way if the Hindus as a community do not particularly want a law like this.....

Mr. Chairman: May I point out that at this stage of the Bill the question of ascertaining public opinion does not arise. This Bill comes from the Upper House and so the question of plebiscite or anything of that sort does not come.

Shri Pocker Saheb: I am referring to this in support of my amendment, the validity of which is not questioned and cannot be questioned. I say that this Bill shall not apply to Muslims and the opinion of the Muslims certainly do count. That is why I am at pains to explain this to you. The hon. Law Minister himself admitted after going through all the opinions that the Muslims unanimously opposed it. Therefore it is that I make bold to say that it would be a tyranny to impose this unwanted law on the Muslims. In the same way, if the uniform opinion of the Hindu community is against it, it will be equally a tyranny to impose it on them. It is a matter of various communities because the very object of the Bill is to make legal marriages between members of one community and members of another community. Therefore, it is very necessary to take into consideration the views of the communities separately. It is in that connection, Sir, that I referred to public opinion. Public opinion has been invited from the public by the decision of Rajya Sabha where the Bill originated, and, therefore, I submit that this Bill should not be applied to Muslims

As a matter of fact, as I have already pointed out, the defence that it is only optional; that it is not compulsory on Muslims to contract marriage under this law, is untenable for the reason that even persons

who are not parties to the marriage are materially affected by the provisions of this Bill. If A a Muslim and B. a Hindu marry, and if they alone are affected, that argument will be good. On the other hand, here, by A's marriage and the consequences that follow, namely, the application of the Succession Act to the Muslim who is governed by the Muslim law, it does affect other persons also. It is not only that he is governed by the Succession Act thereafter, but he does not cease to be a Muslim and under the Muslim law he gets properties from other relations while those relations are disabled from inheriting him. Can injustice go further than this? Therefore, the defence that it is only a matter of option is no defence at all.

I, therefore, submit that in view of the unanimous opinion of the Muslim public as expressed to the other House when they were called upon to express their opinion, it will be a tyranny to impose such a law on the Muslims.

Shri Tek Chand: There stand in my name, under clause 15, amendments Nos. 372 and 375, which I have already moved. Since it has been your desire that the various clauses and the amendments of the respective Members should be lumped together so far as discussion of the question is concerned, in deference to your wishes I propose to do that although I very much wish I had confined my submissions clause by clause.

One thing I wish to say is that I lend my fullest support to all that has fallen from the lips of Pandit Bhargava. I very much wish he had spoken in a language which is more largely understood in order that his friends and neighbours had better appreciate it.

Confining myself to clause 15, there are two amendments of mine. According to my amendment 372, I want the insertion of the words "valid under law or custom having the force of law" after the word "marriage". Section 15, as it stands, reads "a ceremony of marriage has been performed between the parties...." and I want it to read "a ceremony of marriage valid under law or custom having the force of law has been performed.....". Why it earns a certain amount of importance is this. The language is "a ceremony of marriage". "A ceremony", so far as I understand, is any ceremony purporting to be of marriage, whether it is recognised by law, whether it is recognised by custom or not. Supposing a boy and a girl were to decide that their ceremony is going to be an exchange of garlands, such a thing is unknown to the personal law. Supposing they were to say unto themselves that they will call each other husband and wife, that is a ceremony that is not going to be a marriage known to you. Therefore, this law, as it stands, will not make any distinction between a recognised ceremony of marriage and what is otherwise known as just a mere union. Therefore, it is very desirable that it is not any ceremony of marriage, but it must be a ceremony of marriage which should be known to law and recognised by law or recognised by custom which has the force of law, and not any custom or any usage without the force of law.

Shri Bogawat: Is *Gandharva* marriage not recognised by law?

Shri Tek Chand: No.

Shri Bogawat: It is recognised in Hindu Law.

Shri Tek Chand: I am amazed at the interruption. If you were to examine the ancient Hindu forms of marriage, apart from *Gandharva*, even *Rakshasa* and *Paisacha* marriages were known to be there, but you will find yourself in trouble and you will find yourself behind the bars for several years if you were now to marry under the *Rakshasa* or the *Paisacha* form; it is abduction. All those things are not known to the

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civilised law of today. It is very necessary that the ceremony of marriage should be recognised.

So far as amendment No. 375 to clause 15(e) is concerned, I wish to say this. Clause 15(e) says:

> "the parties are not within the degrees of prohibited relationship, unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two;"

My amendment is that the words "unless the law or any custom or usage having the force of law, governing each of them", etc., should be omitted. My reasons are these. If your objective is that law should be uniform,—a very desirable objective I must say—then, before you give recognition to a registered marriage under clause 15, you should insist that that marriage which is about to be registered should conform to all the provisions of clause 4. You certainly, when registering a marriage, abide by all other clauses except the clause relating to prohibited degrees of marriage. It is remarkable that the world over, to whatever religion a person may owe allegiance, there is horror of incest. There is horror of sexual relationship within the prohibited degrees which may be narrow or which may be wide. Having recognised to those feelings of horror to an incest, you have wisely provided in your clause 4 that persons within the prohibited degrees of marriage, which you have enumerated here in the Schedule, are banned from inter-marrying. So far so good. But why do you give a go-bye to that very necessary and desirable provision when you come to sub-clause (e)? What you say is, even if the parties happen to be within the prohibited degrees of marriage, nevertheless, if their custom sanctions such a marriage, you propose to give recognition to that union within the prohibited degrees. Not only that. So far as custom is concerned, custom may be in vogue within the very narrow society. Custom may be an absurd sort of custom; custom may be that of the *Vam Margis* who do not recognise the degree of prohibited relationship. Nevertheless, they have got only to show that that is their custom whether it is immoral or vicious, whether it is reprehensible or unacceptable to you, or whether it is intolerable. Nonetheless, it is their custom, and you jolly well have to recognise it!

In this connection, I want that so far as prohibited degrees of relationship are concerned, as enumerated in the Schedule, they should be adhered to even for purposes of registration of marriage which is not a marriage according to the provisions of this law in so far as it contravenes or violates the provisions of clause 4. That is why I want that it ought to be omitted.

My next amendment is No. 376 and it relates to clause 17. Clause 16 makes a provision for objections. Clause 17 allows one-sided appeals. According to my contention, I want that a right of appeal should be conferred upon the party who is unsuccessful under clause 16. My suggestion is, if there was acceptance or rejection of the objection if any made under clause 16, that is to say, if the objector is aggrieved as a result of the rejection of the objection, then a right of appeal should be available to him. If his objections had been allowed, and the marriage is not permitted to be performed, then, under clause 17, a similar appeal should be available.

Shri R. K. Chaudhuri (Gauhati): May I know, if the words, "refusing to register a marriage", are omitted, then, the object of my friend is satisfied?

Shri Tek Chand: I am grateful to Shri R. K. Chaudhuri for his excellent suggestion. I endorse it and shall,

in my own humble way, also endeavour to incorporate in my amendment No. 376. In whichever language it is acceptable to the hon. Law Minister, it will serve the purpose.

4 P.M.

The object is that the party who is aggrieved as a result of any order, right or wrong, hasty or considered, should have a right of appeal. It is not proper that the law should not hold the scales even between the contesting parties; giving the right of appeal to one and making the order absolutely final and un-appealable qua the other party—that is not according to the law; that is not holding the scales even as between the contestants. Clause 17 says: "Any person aggrieved by any order of the Marriage Officer"—which order?—the order refusing to register a marriage. The objection of the objector is: please, do not register the marriage. He says: I am going to register. The objector should be permitted to go up in appeal because his appeal is confined to more vital matters. So far as clause 18 is concerned, I beg to invite the most concentrated attention of the hon. Law Minister and my other friends there. Please weigh and examine the consequences.

I can understand the magnanimity of minds so far as legitimation of illegitimate children is concerned. That desire on the part of the legislators is understandable though it will not readily be acceptable. Assuming it is understandable, let us understand what we mean by 'illegitimate'. I suppose that the intention of the hon. Law Minister and of others is that, if a man and a woman not married have illegitimate children, after their marriage is certified or registered, the children may be treated as legitimate. There can be sharp differences of opinion and sharp controversies. I am, on these aspects, on the conservative side. But giving up that point of view at least, your law should be, for the purpose of legitimation, only of the children born of that man and of that woman. But if that woman bears children from a third man, they should not be legitimated and fastened upon the man who marries. With this special distinction in view, I want you to examine your clause 18 lines starting with No. 44. What does it say: 'All children born after the date of the ceremony of marriage (whose names shall also be entered in the Marriage Certificate Book) shall in all respects be deemed to be and always to have been the legitimate children of their parents'. Pray, analyse this clause very carefully. All children born—you do not say born to whom. Supposing they are born to the woman with the seed of a third man. According to clause 18, they will be treated as legitimate. At least in the interest of decency, in the interest of clarity of language, you may as well have put 'all children born to these two....'

An Hon. Member: That is underlying.

Shri Tek Chand: That may be underlying. But the question is this. Whatever your intention may be, if you are unable to clothe it in a precise language, it is apt to be abused. Take the case of a woman who has defiled the bed of her husband and has conceived from another man and the question of the legitimation of the child comes up who is born of her womb but not from the seed of her husband. Read your clause 18. All children born to her as a result of the certification after the certification—they are legitimate. Therefore correction is very desirable. The same idea is underlying your clause 26. If the language of clause 26 is imported into this clause, you will be in a position to pass a law which is in the interests of clarity. In clause 26 you say:

> "*Legitimacy of children of void and voidable marriages.*—Where a decree of nullity is granted in respect of any marriage under section 24 or section 25, any child begotten before the decree

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is made who would have been the legitimate child of the parties to the marriage if it had been dissolved instead of being declared to be null and void or annulled by a decree of nullity shall be deemed to be their legitimate child notwithstanding the decree of nullity."

While drafting clause 26 you have taken pains to say that the child begotton of the two will be legitimate. But here you do not clarify about the child begotten of the two in the example that I have given. It may be a child born to the woman from another man. And you want to fasten the fatherhood on a person who is demonstrably not the father of the child. You want to tell him: not only you have to look after and feed your own child but you have also to assume the fatherhood of a child which is not yours.

Shri K. K. Basu: Under which clause?

Shri Tek Chand: Under clause 18.

Mr. Chairman: If there is any ambiguity of language, that can be clarified.

Shri Tek Chand: My humble submission is—it may be clarified—the question is when and how. Unless it is clarified, we cannot lend our support to a statute which will lead to dreadful consequences.

Shri Mohiuddin (Hyderabad City): May I point out that there are the words "whose names shall also be entered in the Marriage Certificate Book" in brackets? Naturally, when they go and register the marriage, they will register the names of their own children. And if they do not agree with each other as to which are their children, it is of course within their discretion not to register.

Shri Tek Chand: My submission is that it is not for the two. You might as well say, as has been suggested by a speaker or two but not very seriously, that it is an affair for that particular individual man and that particular individual woman. Society has no say in the matter. I do not lend countenance to that view that it is a matter between the two in this and that society has no say in the matter.

Shri K. K. Basu: Does he mean that even if the father of the particular child, which according to him is illegitimate, accepts, society must come and intervene?

Shri Tek Chand: I maintain that a man cannot be the father of a child whose seed the child does not carry. It may be an adopted child, but he cannot be the father of that child, and I propose to.....

Shri Jhunjhunwala (Bhagalpur Central): If they agree?

Pandit Thakur Das Bhargava: Suppose the brother does not accept as it affects his inheritance rights.

Shri Tek Chand: Suppose the brother does not accept, the uncle does not accept. This magnanimity on the part of some of my learned friends borders on refusal to recognise marriage as an institution. I cannot lend support to that.

Then there are other matters that follow, rights regarding the applicability of the Succession Act. Tempted as I am to air my humble views on this subject, I must resist the temptation in view of the fact that a number of learned speakers are to follow. All that I can say is that whatever has been said on that by Pandit Thakur Das Bhargava is acceptable to me in its entirety.

Shri Pataskar (Jalgaon): Being conscious of the fact that there are so many Members to speak, I will try to offer my remarks in a few minutes. I know that the subject matter has been very exhaustively dealt with from one angle of view by my hon. friend Pandit Thakur Das Bhargava.

My submission will be that so far as clause 15 is concerned I think this provision though not strictly outside the scope of this Bill, is certainly outside the basis of this legislation. For instance, in our country, there are marriages which are performed according to the law governing the marriages of Parsis, according to the law governing the marriages of Christians. The Muslims have got their own law of marriage. Hindus naturally have diversified forms of marriages and other things. We are not going into all that. The basis of this legislation was the Act of 1872, which said that it applies to marriages between persons belonging to the same religion or different religions, if they could not legally and validly marry. Naturally, as the times move, there must be some provision by which these people who want to contract a marriage must be enabled to do so and they should not be treated as people who are not legally married and their children should not be regarded as bastards. Therefore, so far back as 1872, there was legislation which made provision for these marriages. There was no difficulty. To my mind, still, there is no difficulty.

There was, however, one thing: not so much because of difficulties in other religions: I will not speak about it. Of course, among the Hindus, there were so many forms of marriages and other things. Somehow or other, there was a provision in that Act by which the man had to declare that he belonged to no religion. I will not go into the history of that case. It was obvious because in those days religious feeling was running high. It is not so now. It was so in 1872. Society progressed and as it progressed, there was no necessity for that provision. There was an amendment by which it was not necessary for persons to make a declaration that they did not belong to any religion. Now, we are going to substitute that Act of 1872 by this legislation.

Let us, for heaven's sake, not mix it up with the provisions of the Hindu law of succession in respect of which we are going to legislate separately. Several attempts have been made in the past also. There was the Hindu Code Bill in which there was a provision for a marriage of this type along with other forms of marriage which are allowed under the Hindu law, which was read out by my hon. friend Pandit Thakur Das Bhargava. There was also a section in that Bill. I will not refer to that. That was a different matter.

Having come to this Bill, to my mind, therefore, the only justification for it may be to allow marriages to be performed, which could not probably be performed under any other forms of marriage according to religion, custom, or whatever it is. Naturally, if two persons marry under the Special Marriage Act, it is also necessary that we should make provision for their succession. A simple provision existed in the old Act that they will be governed by the Indian Law of Succession. I agree with all the reformers who say that, comparatively, under the Hindu law in which there are so many diverse forms and other things, there is no cohesion and therefore, the Indian Law of Succession is more consistent with the modern trends of succession as it should exist. So far as I am concerned, I would say that I am in favour of some common inheritance rules. But then, how is it to be done? That should be done not by incorporating some provision here, but it should be done by a special legislation. For instance, we have got the Bill governing the Hindu law of succession.

Shrimati Renu Chakravartty is looking at me, rather impatienly. Of course, there are people who are impatient. But let not their impatience carry them away from looking at the thing dispassionately as to what we are doing by this thing.

Shri S. S. More: Every young man is impatient.

Shri Patashkar: For instance, here is the provision relating to succession rights. What should be the pro-

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per limits for a legislation like this? Let there be marriage between persons belonging to different religions or castes. If such marriage is not possible according to their personal law, certainly you must make some provision for that and also for the law of succession for their successors. And that was made in the year 1872, by making the Indian Law of Succession applicable to them. There was nothing wrong in that.

Pandit Thakur Das Bhargava: It was in 1922 that it was made.

Shri Pataskar: I correct myself. It was in 1922 that it was made applicable to them, for it was necessary.

But then, what are we trying to do here? I do not know how all these things can be put in here. The idea underlying clause 15 is not to provide for any marriage which cannot take place under any other form. I know of one instance under the Hindu law, for example. My hon. friend Shri S. S. More knows about it. In Poona, there was a very big family in which two persons married, and the thing was that they belonged to the same *gotra*. Matters went up to the High Court, because in all these cases, it is doubtfull whether such marriage is valid or not. Lacs of rupees were spent, there is so much of bickering between the parties, and there is a huge loss to the family, to society and to everybody alike, and ultimately such people are ruined. I can understand that if there is any doubt about the validity of any marriage, we can make some provision for it, when we are passing the Special Marriage Bill. If on account of custom or something like that, there is some doubt, why should we leave it open? After all, the intention is to provide for the marriage. As Pandit Thakur Das Bhargava himself has pointed out, under the former Hindu Code, there was some provision made for it. Probably, there may be some similar provision here in cases where it is doubtful.

Pandit Thakur Das Bhargava: All such marriages are absolutely legal under the Act of 1949.

Shri Pataskar: My submission is that there is no harm in making some provision for such cases. And I think it will be within the scope of this Bill to make some provision for the resolving of that doubt. Why should any doubt be there? Let those who marry under this Act have no difficulty as to whether their children will be treated as bastards, or whether they will be treated not as husband and wife, and therefore, they will be looked down upon by society and so on—we know that in this country, there is that thing; you may call it inferiority or anything else but that kind of feeling is there. Therefore, it should be open to them to go and marry under this Act, and certainly, some provision should be made for that under this Act.

But what I find is that clause 15 is too wide in its scope. It reads:

> "Any marriage celebrated, whether before or after the commencement of this Act, other than a marriage solemnized under the Special Marriage Act....."

I find that this is a curious thing. I shall speak it out plainly, so that I do not spend too much time over it. Whenever I asked somebody who was in favour of this, he said, well, we want that at least the right of succession should be governed by the Indian Succession Act. If that is the object with which this clause 15 is being made so broad, then my objection to it is that it is the most unscientific piece of legislation. I can understand your legislating for all people. As I said, if you want to make the Indian Succession Act applicable to all people, then do it by all means. A Bill has already been introduced for the Hindu Law of Succession. I do not know what the result will be. But I can understand such a thing being done, if you want to achieve the same

result with regard to the succession amongst Hindus. If you say that a person who marries under this new form of law will have his heirship or succession governed by the Indian Succession Act, if one of the parties to that marriage is a Hindu, then I feel it is a piece of legislation which is most unscientific. The basis of a legislation should be that it must confine itself within certain definite objects in view.

This is not a Bill which has been brought forward for effecting any change in the law of succession of any particular group belonging to any particular religion, or to any particular group of people. In so far as those people are concerned, who marry under this Act, who could not marry otherwise, we can have a provision governing their succession. But to try to provide that they would be able to change the law of succession in this indirect manner will take you neither here nor there. After all, how many marriages will take place under this Chapter? The only effect of this provision will be that there will be a change in the law of succession in the case of those persons. I would like to hear the hon. Law Minister on this point. Suppose there is a person like me, who is 55 or 60 in age—but I have fortunately or unfortunately got no sons,—and suppose he has a son: there is a joint family, with a joint property which the father and the son have inherited and have been managing, and suppose for some reason they fall out, at the age of sixty, the father may say, yes, there is a provision here by which I can defeat this son of mine by going with my wife to the Registrar and getting registered for no other reason than that of depriving my son of the property. I know the Hindu joint family is crumbling. With due respect to Pandit Thakur Das Bhargava, my view is on that point is that with the progress of individualism in the country—it is bound to progress—the very basic idea of the Hindu family structure is changing. In olden times the basis of Hindu law was the Hindu family as the unit of society; on that the whole structure of Hindu law was based. I do not say that those people were wrong in having that concept; I am not one of those who say that. But I say that in those days it did serve a purpose, because the family was a unit. If we examine all the various aspects of it, we find that that basic conception of a family as a unit was there; but that is no longer so. The new unit is the individual; circumstances, economic, social and otherwise, have led to such a result. If you want that the law of succession should be different, then have it straight—I can understand it—whether you do it now or after five years. If that is the object of doing this, you will only encourage some trouble, some litigation, some hardship without any justification. As I said, this is a case in point. It may be argued that if the father and mother after 40 years of life go and have registration, that will deprive the son of his property which he has already acquired. I fail to understand what is the justification for this. What on earth is the justification for making that provision in a Bill like this in respect of old people who have been married quite legally? Why should they be allowed to get their marriage registered? As I said, it may or may not be in the mind of the hon. the Law Minister; I do not ascribe any motive to him. But the protagonists of this provision—I have often asked them—somehow begin to think that there will be this reform for which they are crying.

As I said, if you want to do it, the method should be different. The science of legislation is that it should be confined to specific objects, for specific purposes, and not achieve results indirectly as such a thing will never succeed in its object, because the object is not clear. If we say something only vaguely, the result will not be achieved. If the object is that as Hindu law is so reformed that the individual must be the unit of society in place of the family, I agree with it. Do it. It is overdue and there should

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be no objection to it. But because that is not being done for certain reasons, therefore, certain enthusiasts of the reform of Hindu law think that by tinkering with this they can do it. By doing something here or there, which may be neither here nor there, it will only encourage people unnecessarily to have resort to things which may lead to litigation, hardship and interminable squabbles and disputes without any advantage.

I would like to hear from the Law Minister or any of the protagonists of this, why they want this. I can understand if a provision is made that wherever there is any doubt about the validity of a marriage on account of its being *sagotra* or this or that, by all means, do allow this. I am not against it. If the object is to go beyond that, I think, the people who conceived of this are wrong and it is against the very basis of the principle of this legislation. It is mentioned here—

> "to provide a special form of marriage in certain cases, for the registration of such and certain other marriages and for divorce."

Look at the basis of this legislation. What is the purpose and what is it meant for? There should be a special purpose and that alone should be kept in view. From that point of view, I think, the present wording of clause 15, as it stands, is too wide and is likely to lead to bad results and, I think, it should be suitably amended.

Unfortunately, I had sent in amendment but, probably, it was too late. I would suggest that after (a), if we can have—

> "(aa) it is doubtful whether the marriage so celebrated is valid and legal according to law or custom or usage having the force of law applicable to the marriage in question;"

The rest of the things may stand as they are. I do not quarrel with small things nor do I want to take any time over them. I think, if that is provided all the provision which ought to be made would have been made.

Shri K. K. Basu: Do you want to substitute (a)?

Shri Pataskar: No; I want to add (aa). If there is *sagotra* marriage, or if *saptapadi* has not been performed or something like that, if you add a provision (aa) like this, it would be all right.

Shri K. K. Basu: Your suggestion does not improve the case since (a) is quite comprehensive. Do you want to say 'and'?

Shri Pataskar: It is not 'or'. The whole is not 'ors' but 'and'. I want to add this one more, so that it will cover up all cases where the validity of the marriage is doubtful.

Shri S. S. More: Doubtful to whom?

Shri Pataskar: Doubtful even according to them. I have thought of this point. Suppose A and B are married. There may be cases where after living as husband and wife for some time, they discover that they belong to the same *gotra* and probably their inheritance will be affcted they may resort to this. All cases cannot be cases of doubtful validity. If you do not keep it at that, it makes it too wide and it would enable persons to defeat the purpose of the legislation.

Shri S. S. More: If you make provision only for doubtful marriages to be registered, then the condition precedent will be that the marriage was doubtful. Who is to decide whether it was so or not?

Shri Pataskar: It may be decided by court. I think cases of this kind will be very few. There may be genuine cases for which I should like to make this provision. Instead of entering into arguments I will go to clause 16.

Mr. Chairman: There are two things. One thing is the ceremony of marriage is there. Then, they have been living as husband and wife; *factum valet* is there.

Shri Pataskar: That is supposing there is no *saptapadi* etc. We do not want people to be bastards and beset with legal disabilities. I have already explained why I object to it because of its effect on succession.

The other clause to which I have got strong objection is clause 19.

> "19. *Effect of marriage on member of undivided family.*— The marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist. Sikh or Jaina religion shall be deemed to effect his severance from such family."

As I said at the beginning, joint families now are almost a matter of the past. They are crumbling. Whatever we might say here in Parliament and cities or in papers, I think, in the villages, amongst the so-called unadvanced people—they are not really not advanced but they may not have so much of education and all that—there are still innumerable families of agriculturists and small holders where there are joint families. They find that even economically it is good for them. I do not know whether we can wipe them all off with one stroke or not; that is entirely a different matter. But. Sir, I do not understand why the effect of the marriage should be on a member of an undivided family; probably, such marriages may not take place also. I can remind the House that there are instances—I have found during the last ten years before any idea of this Act was there—where marriages have been performed among the so-called respectable educated people, in places like Poona and Bombay, where the persons chose to marry under this registered form of marriage with the idea of, probably, getting a divorce or some such thing, which is a legitimate desire. Then, it is just possible, that there may be cases in which the marriages may take place with the consent of the members of the joint family. Why do you want that the party concerned should be compulsorily separated from the family? As a matter of fact, as things stand at present; supposing there is a boy who wants to get his marriage registered, the father does not consent and he belongs to a joint family; it would be equally open to the father to sever his connection from the joint family and separate the boy. Under Hindu Law only a declaration that we are now divided is enough to effect severance of joint family.

Then, Sir, what is the object in making a provision that this shall effect severance from the family? On the contrary, the protagonists of this form of marriage, the reformers, have not realised that this is likely to do more harm than good. By imposing this you want to attach a stigma to this form of marriage that as soon as a Hindu person marries under this Act he shall be severed from the joint family.

Shri S. S. More: No progressive is maintaining that; on the contrary they are opposing it.

Shri V. G. Deshpande: They are in favour of it.

Shri Pataskar: My point is not as to who supports or who opposes it. In the first place, if it is not with the consent of the joint family, the father, uncle, brother, they can separate themselves and there is nothing to prevent that. Then, so far as this man is also concerned, supposing he thinks that his wife will not be well received in the joint family, he may separate himself. There may also be cases where the marriage has taken place with the consent of the members of the joint family—may be few and far between. After all, such cases are going to be very few, but. I think with the ideas in modern society changing every day, things will change. It is, therefore, that I referred to the marriages performed in certain places like Poona, Bombay etc.—I shall not mention their

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names—where people got their sons and daughters married both according to the old form and also under the registered form. What they had to do was to get the marriage registered and then perform the old form of marriage, probably to get some advantage.

This clause, to my mind, is not in the interest of the people. On the contrary, I am sure, this is a clause which will rather show that there is a stigma attached to this marriage. You want to prominently bring it to the notice of the man who wants to marry under this Act, that if he marries, he shall cease to be a member of the joint family, and it is at that risk that he is marrying. Supposing the father is a little more orthodox, he will take advantage of the Act and say that if his son marries against his wishes he will have no right to stay with the father. Why should you provide this clause at all? Supposing the father owns a large house, large estate and all that, he will say to his son: "you have married against my wishes under this Act. From tomorrow you have no right on my property. You go to a court of law and get your share separated". That might take some three or four years and in the meanwhile these young people might be left on the streets. Therefore, what I say is, you have not realised this point. As a matter of fact, it is those who want to encourage such marriages who have put in this clause. As I said in my minute of dissent this is simply a clause which will frighten people; otherwise, what is the object of making this provision? I look upon this provision with no other object except that this is meant, probably, for frightening Hindu boys and girls from marrying under this form of marriage which, to my mind, Sir, is not proper. I have already submitted it in my report. There is a certain basis on which this legislation has been brought forward and let us strictly confine to that basis. This only applies to Hindus and it cannot apply to anyone else. In view of the fact that there is already a provision by which any man can separate himself from his family, there is absolutely no necessity for such a provision here. On the contrary it is likely to do harm to those who really clamour for such a marriage. My submission to the House will be that we should not go to the length of putting obstacles merely for the sake of obstacles being put in the way. I know there is justification for such a piece of legislation and we cannot cling to the old things and forms and say that this legislation is not necessary. I am one of those who said that this Bill is necessary. We should not introduce certain provisions in this Bill which are likely to do more harm to the cause itself than good to anybody. I think that clause 15 should be amended so as to include those restrictions suggested by me, and clause 19 should have no place. If clause 19 remains there, I am sure it will prevent boys belonging to Hindu joint family from even getting married under this legislation and it will attach a sort of stigma so far as Hindus are concerned. Christians have got their own forms of marriage and Muslims have their own form, which is a contract, and they are altogether governed by different laws. So far as Hindus are concerned, all these provisions are intended to be put in.

Shri N. P. Nathwani (Sorath): I want to know from the last speaker whether he favours the deletion of clause 19 but the retention of clause 21.

Shri C. C. Shah: Clause 21 automatically goes out for members of joint families.

Shri Pataskar: This is a very important point that has been raised Whenever you want to provide for the marriage of people belonging to different religions, you must make provisions such as you have made here, but if it is not so, I would not stress so much. Suppose, the people

want to be governed by the Indian Law of Succession, let them be.

Shri C. C. Shah: Then, you cannot have clause 21 in the present form. The form must change.

Shri Pataskar: If clause 15 is accepted, we might suitably modify clause 21.

Mr. Chairman: I have an announcement to make regarding the amendments moved.

In addition to amendments already moved, the following amendments to clause 15 will also be treated as moved:—

39, 508.

In regard to other clauses in this Group, the amendments moved are as follows:—

Clause 17: 376.

Clause 18: 268, 269, 320.

New Clauses 18A, 18B and 18C: 270.

Clause 19: 79, 135, 195, 377.

Clause 20: 378.

Clause 21: 80, 82, 274, 379.

Clause 1: 221, 336.

Pandit Thakur Das Bhargava: All the amendments that are in my name may be taken as moved.

Mr. Chairman: All the amendments standing in the name of Pandit Thakur Das Bhargava should be taken as moved, so No. 264 also will be treated as moved.

Shri Bogawat: In addition to amendment No. 130, I had moved Nos. 134 and 138.

Mr. Chairman: May I know whether there is any amendment left out which you now want to include?

Shri Bogawat: Amendments Nos. 134 and 138 have been left out and they should be included.

Dr. Jaisoorya: My amendment No. 188 is not here. I wish to include it here.

Mr. Chairman: No. 188 has already been moved.

Pandit Thakur Das Bhargava: I beg to move:

In page 6, *omit* lines 13 to 16.

Shri Bogawat: I beg to move:

(1) In page 7, (i) line 6, *after* "shall" *insert* "not"; and (ii) *after* line 6, *insert* "Provided that at the time of the marriage either party to the marriage or any other member of the family demands such severance."

(2) In page 7, line 18, *for* "the issue of such marriage" *substitute* "any issue born after such solemnization or registration".

Mr. Chairman: Amendments moved:

(1) In page 6, *omit* lines 13 to 16.

(2) In page 7, (i) line 6, *after* "shall" *insert* "not"; and

(ii) *after* line 6, *insert* "Provided that at the time of the marriage either party to the marriage or any other member of the family demands such severance".

(3) In page 7, line 18, *for* "the issue of such marriage" *substitute* "any issue born after such solemnization or registration".

Shri Venkataraman: After a galaxy of talented Parliamentarians have spoken so much against this Bill, I have craved your indulgence to intervene at this stage and I shall try to explain the point of view of some of those who are in support of this measure relating to two chapters.

Shri D. C. Sharma: For how many minutes?

Shri Venkataraman: At any moment you feel that I am boring, I am willing to sit down.

Very hard words were spoken by my esteemed friend, Shri Pocker

[Shri Venkataraman]

Saheb. He called this measure unjust, illegal, atrocious, untenable, imposition, tyranny, so on and so forth. I wonder whether he has not exhausted the vocabulary in the English language.

An Hon. Member: Not yet.

Shri Venkataraman: I take it as a promise of something more to come in that way. My esteemed friend Shri Pataskar again and again asked what is the object of this Bill. If we understand the object of this Bill, much of the criticism would appear to be beside the point. To my mind the object of this Bill is to provide a uniform civil code, but optional to the people of India. The object of this Bill is to allow a citizen of India, irrespective of his caste, creed, religion....

Shri V. G. Deshpande: Or sex.

Shri Venkataraman: ...to marry any other citizen of India, and to be governed by the same law. If a person marries under this law, in respect of marriage he should be governed by the same law; in respect of divorce he must be governed by the same law; in respect of inheritance and succession he should be governed by the same law. While all of us talk very glibly of having a uniform civil code, we would fight very hard against it if it were made compulsory. Even for an optional measure, my friend Shri Pocker Saheb has exhausted all the vituperative terms in the English language.

The object of the Bill, as I put it, and as I understand it, is to provide a common code which will control and regulate marriages, which will control and regulate divorces and also succession and inheritance to property for those people who voluntarily agree to come under the provisions of this measure. There is no compulsion whatsoever on any person who does not want to come under this law. But it would be,—to borrow an expression from Shri Pocker Saheb—a tyranny of others to say that I shall not be governed by the law which I seek. The provision in the Bill, clause 15, enables people who have been married under different personal laws to give up their personal laws, which they are not capable of today, in respect of divorce and in respect of inheritance and succession, and adopt a common code of inheritance, divorce and succession if they so desire. Today, I cannot change the inheritance or the succession of my family. Being born a Hindu, I will be regulated by the Hindu law, but if I want that my family and my children should be regulated by a law different from the Hindu law of succession and inheritance, I crave the indulgence of this House, of this Parliament and of the country to be allowed to choose that particular form of marriage.

Shri Gadgil (Poona Central): Why not make a will?

Shri Venkataraman: The will does not cover all those aspects. There are other matters such as divorce; the will does not cover intestacy. In fact, the limitations on my power to make a will itself are very great. Therefore, it will not cover that point. Let us have a clear objective. If you really want a uniform civil code for this country, if you try to introduce it immediately, making it compulsory, on all the people, the country may resent, the Parliament may resent.

Shri S. S. More: Let me ask you one question. Supposing there are those who have already been married twenty years back, can they not be permitted to opt to the Indian Succession Act by declaring to that effect? Why should they be forced to.....

Shri Gadgil: It is good.

Shri Venkataraman: I will explain that; I will come to that. I am only explaining the object of this Bill. It is to provide a uniform civil code.....

Shri S. S. More: It is no way asking me to re-marry.....

Shri Venkataraman: I may try to give a declaration that I will hereafter be governed not by the Hindu law but by some other law. It is for that purpose registration is allowed. If it is the object of this House or of those people who have opposed this clause that a person who is born a Hindu and married according to Hindu rites shall not have a right to opt for some other form of succession, then I can understand their objection. But if they want that those people who want to have a different law of succession and inheritance should have the power to so choose and so elect to have a different form, then it may be provided for in several ways one of which is the form of registration. The law enables me to go and declare that after the registration, I shall cease to be governed by the Hindu law and shall be governed by the Indian Succession Act.

My friend, Shri Pataskar, asked: why should you, under clause 19, say that there should be a compulsory severance from the family; this will deter the Hindus from marrying or registering under this Special Marriages Act. Here again if you have the objective before you, it will be clear why it is necessary. A Muslim marries under the Special Marriages Act; he will be governed by the Indian Succession Act. A Parsi marries under the Indian Succession Act; he will be governed by the Indian Succession Act. Whereas a Hindu marries under this Act, he will still be governed by the Hindu Law of Succession unless he specifically declares that he wants to be out of the Hindu Law and have the benefit of succession. Is that a a uniform code? The object is to have a uniform civil code. If that is so, any person who marries under the Special Marriages Act—whether he be a Hindu, Muslim, Christian or Parsi, of different religions, caste or creed—still he must be governed only by one law of marriage, one form of divorce and one form of inheritance. That is why this clause 19 has been provided. I have illustrated this point here because the object is very different from what my hon. friend Pataskar has taken it to be. The object is to provide one uniform civil code; that is at present made optional.

Objection was taken to clause (a) which provides that where a ceremony of marriage has been performed, it can be registered. From my experience in South India, I want to bring to the notice of this House that certain marriages have been performed for the last twenty years under what is known as the self-respect marriage rites. You are aware of a very strong and influential and powerful party in South India called Dravida Kazhagam. That party believes that there is domination of the South by the North Indians. It thinks that the Brahmins are Aryans and that they are exploiting the Dravidian population.....

Shri S. S. More: They are right.

Shri Venkataraman: I am glad that they have supporters outside also. The resentment went to such an extent that that they refused to perform their marriages under the *Shastra* and *Dharmik* rites. And they said: this is really an exploitation of the Aryan, the Brahman, of the Dravidian population. For over twenty years they have performed marriages which consist merely of exchange of garlands and a meeting in which the significance of the marriage is explained and the need why they must cut away from the Aryan and *dharmic* forms. This is not a ceremony by any stretch of imagination.

Shri S. S. More: Are such marriages declared to be invalid?

Shri Venkataraman: I have to bring to the notice of the House that the Madras High Court declared these marriages as invalid, and within four or five months....

Pandit Thakur Das Bhargava: Another High Court has declared them to be valid also.

Shri Venkataraman: I am concerned with the class of people to whom this decision applies. And within four or five months the Madras Legislature enacted a validation Bill.

If there are people whose marriages, by a technicality, or by want of a form, are found to be invalid, should we not provide the necessary legal remedy for getting their marriages legalised?

The object of this is that a ceremony should be performed. It does not say in what particular form it should be. Suppose a Muslim and a Parsi marry. What is the sort of ceremony they are expected to perform? It may be anything. It may be according to Muslim law or it may not be according to Muslim law. It may be according to Parsi law or it may not be according to Parsi law. They may agree merely mutually to exchange rings and say they are married. Are we going to say that people who are married in that form and who have lived continuously for a long period as husband and wife should not be allowed to be registered as husband and wife under the law?

Shri S. S. More: But will such marriages come under this clause 15, where no ceremony has been performed?

Shri Venkataraman: Ceremony means anything, not necessarily a legal ceremony.

Shri S. S. More: Are you giving your own interpretation?

Shri Venkataraman: I am entitled to, by virtue of my practice in the bar for years. (*An hon. Member:* Which you have now given up!)

The point is really this. I was told by some friends that in the Punjab they start a bush fire and go round it, and they say that the marriage is performed. That also, under the Hindu law, would not be a proper or valid ceremony.

Shri Gadgil: Customs.

Shri Venkataraman: It is not a custom either.

Shri Gadgil: Otherwise how could they be celebrated?

Shri Venkataraman: By beating about the bush! When I said that the people in South India are marrying under that particular form in which they merely exchange garlands, there is no custom at all validating such marriage.

Therefore the object is very clear. If we really want to validate marriages and give them legal status, clause (a) is absolutely necessary. And this being a special marriage, a form which is intended for people who want to come under it, a marriage which is not foisted on anybody against their will, should we not provide all facilities for doubtful marriages as well as valid marriages which have been performed in the past, provided they want to get the benefit of certain sections, as I shall proceed to mention hereafter?

The next objection was taken to clause (e) in regard to which they said that under clause 4 you have prohibited the marriages according to customary law where the parties are related within the prohibited degrees and therefore it is inconsistent to allow that under clause 15. There is some force certainly in that point of view. I am one of those who believes that, notwithstanding the custom in my part of the country, a marriage between an uncle and niece, or between first cousins is not a very desirable thing. But, nevertheless, owing to the practice in South India or the prevalence of marriages within prohibited degrees in other parts of the country or in other communities, if such marriages have been performed, and if the people want to get the benefit of the provisions of this Bill, the benefit should be given to them to get themselves registered under this Act.

Dr. Jaisoorya: Continue marrying like that?

Shri Venkataraman: I am coming to that. The next question which can naturally be asked is, you can allow any marriages which have been performed in the past, but why do you allow such marriages which are going to be performed after the Act comes into force to be registered under it? I am in entire agreement with the amendment of Shri Dabhi, No. 315, which provides that only marriages performed within the prohibited degrees, and valid according to the customary law before the Act came into force should be registered. I am sure that the House would accept this.

Shri Gadgil: Past marriages good; future bad.

Shri Venkataraman: Past marriages can be registered; future marriages cannot be registered. Future marriages will continue to be performed under the law to which the parties belong. It would not become bad.

Again, let us test from the objective of this Bill. If we want to have a uniform code for all the people of this country, is it right to allow in future some people to marry within prohibited degrees and prevent other people from marrying within prohibitd degrees? That is why I say, I am prepared to accept Shri Dabhi's amendment which says that in future, if they are related within the prohibited degrees, the marriage shall not be registered, under this law. So far as the past is concerned, we are giving a sort of latitude to those people who got themselves married because at the time when they married, it was, and at the time at which it is registered, it continues to be, a valid marriage.

Now, I come to clause 17. My hon friend Shri Tek Chand raised thi point in respect of clause 8 also. Hi point was that not only the parties t the marriage, but even the objector should have the right of appeal. I an totally against any provision whic gives to the objectors any right o appeal for this reason that if a objector is allowed at every stage t come and harass and put spokes i the way of people getting marriec how can people get married? Th effect of it would be that there wi be more and more objectors, more an more blackmailers coming up for th purpose. At the same time I woul say that the law is not so impoter as not to provide for such continger cies. The objectors can always go t the civil court under the Specif Relief Act and file a suit for an ir junction restraining the parties fro getting themselves married on an ground which would be a valid groun for such an injunction. Therefore, is only right that where we allo facilities to people to get marrie under the law, no hurdles, no spok are allowed to be put in the way such registration.

I now come to clause 18. My ho friend Pandit Thakur Das Bharga made it appear as if...

Mr. Chairman: I think the ho Member will take some more time.

Shri Venkataraman: Fifte minutes.

Mr. Chairman: He may contin tomorrow.

The Lok Sabha then adjourned t Eleven of the Clock on Tuesday, t 14th September, 1954.